

PR No. 38-60

INFORMATIONAL MEMORANDUM

October 18, 1960

Subject: Regular Summary of Recent News and Editorial Comment

Press stories involving tobacco and the tobacco-health question that have been observed since the previous report (PR No. 30-60, August 9) are noted in the following pages.

The New Orleans suit did not get much press attention outside of that city until the decision in favor of the companies on October 11. Selected local stories on the progress of the case are included.

Other recent stories of interest include:

1. Dr. C.C. Little's speech in Nashville, Tennessee.
2. New T.I.R.C. research authorization issued October 11.
3. New T.I.R.C. grants.
4. Dr. Joseph Berkson questions statistical approaches to the tobacco-lung cancer question.
5. Dr. Michael Shimkin's anti-tobacco talk at Minneapolis and industry comment.
6. Attention to Tobacco and the Health of a Nation (additional).
7. Dr. William Sunderman's paper alleging nickel found in tobacco smoke, and T.I.R.C. statement.
8. Revival of Dr. Henry Satterlee's arsenic theories and industry comment.
9. Continued American Cancer Society "educational" activities in schools. Use of filmstrip.
10. Outlook story, HERALD-TRIBUNE, includes health.

Other items noted herein include reader reaction to Redbook article, pickup of pro-tobacco story from U.S.A. Magazine, and reported failure of British insurance company's test of public interest in granting "preferred" rates to non-smokers.

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## JURORS NAMED IN SMOKE CASE

### Cigarettes Held Death Cause by Widow

Twelve jurors were selected Monday in federal court for the trial of a suit in which it is alleged that the plaintiff's death from lung cancer was caused by his cigaret smoking.

The whole day was taken up with the selection of the 12 jurors. The first venire of 35 persons was exhausted and an additional venire had to be called to complete the selection.

Two alternate jurors will be selected Tuesday when court opens at 10 a. m., and then attorneys in the case will make their opening statements to the jury. The alternate jurors will participate in the case only in the event regular members of the jury are unable to complete a hearing of the trial.

The suit has been brought by Mrs. Victoria St. Pierre Lartigue, formerly a resident of Franklin, now of Houston, Tex. She claims that her husband, Frank J. Lartigue, began smoking in 1899 and smoked two packages of cigarettes a day until shortly before his death on July 13, 1955.

#### EXPERTS TO TESTIFY

Mrs. Lartigue is represented by H. Alva Brumfield of Baton Rouge and Melvin M. Belli of San Francisco in her suit against the Liggett and Meyers Tobacco Company and the R. J. Reynolds Tobacco Company.

The companies are represented by the New Orleans law firms of Chaffe, McCall, Phil-

lips, Burke and Hopkins, representing R. J. Reynolds, and Lemle and Kelleher for Liggett and Meyers. New York firms associated in the case are Davis, Polk, Sunderland and Kindle for R. J. Reynolds, and Webster, Sheffield and Chrystie for Liggett and Meyer.

Attorneys have submitted to the court lists of about 50 experts in medical and research fields who may be called during the case which is expected to take about two weeks to try.

Among those who will testify are Dr. Alton Ochsner of New Orleans and a number of other local physicians and surgeons as well as a number of other local physicians and surgeons as well as a number from various parts of the country and from as far away as Canada and Australia.

#### SEEKS \$779,500

Mrs. Lartigue is seeking damages of \$779,500 for her husband's death, charging negligence on the part of the cigarette manufacturers as well as breaches of express and implied warranty.

The 12 jurors selected Monday include seven smokers and five non-smokers.

Those on the jury include Mrs. Iowen G. Quebedo, Mrs. Florence J. Steiner, Jules L. Lambert Sr., Harold Theriot, Mrs. Yvonne Posner, Leonard J. Jarreau, Louis J. Gamas, Mrs. Helen M. Jeffries, Joseph J. Armbruster, Joseph J. Olivier Jr., Mrs. Rose Barber and Mrs. Beverly O. Cannaday.

Many prospective jurors were excused by Judge Herbert W. Christenberry when they said that they had definite opinions as to whether cigarette smoking was related to cancer.

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## CIGARETTE SUIT COUNSEL HEARD

### Smoking, Cancer Relationship Involved

A federal court jury impaneled for the trial of a suit involving the relationship between cigarette smoking and cancer heard opening statements of counsel Tuesday.

Almost the entire second day of the trial was taken up with the selection of two alternate jurors who will participate in the deliberations only if regular members of the jury are unable to complete hearing the case.

The taking of testimony in the case in which Mrs. Victoria St. Pierre Lartigue, formerly a resident of Franklin, now of Houston, Tex., claims that her husband's fatal lung cancer was caused by his smoking of cigarettes is scheduled to begin at 10 a. m., Wednesday before Judge Herbert W. Christenberry.

Mrs. Lartigue is suing the Liggett and Meyers Tobacco Company and the R. J. Reynolds Tobacco Company.

#### CALLED CHAIN SMOKER

H. Alva Brumfield, Baton Rouge attorney, representing Mrs. Lartigue, charged in his opening statement that the two defendants killed her husband "not by running over him with one of their trucks, but causing his death just as effectively by the use of products manufactured and sold by them."

He told the jury that he hopes to prove that Frank J. Lartigue used Liggett and Meyers and R. J. Reynolds products for 41 years and smoked them exces-

sively. The attorney described the deceased as a chain smoker who used more than two packages of cigarettes a day. He displayed to the jury packages of King Bee tobacco and Picayune cigarettes, products of Liggett and Meyers, and a package of Camels, a product of the Reynolds company. He said that Lartigue rolled his own cigarettes with the King Bee and also used Picayunes and Camels.

Lartigue died in July, 1955, at the age of 65, Brumfield said, in the Veterans Administration hospital in Houston where he went after being operated on for the cancer at the Ochsner Foundation hospital in New Orleans.

#### 'CIGARETTE FIEND'

The plaintiff's attorney described him as "a cigarette fiend." Brumfield told the jury "the first thing he did in the morning was smoke a cigarette. He smoked all day, through the day and smoked every cigarette down to the very butt."

The attorney said that he will prove that the two companies had a responsibility to make their product wholesome, "to make their product in such a manner that they wouldn't kill people or cause them any harm."

He claimed that he will show by evidence that there are harmful tars in cigarettes which cause cancer and that the companies have never given any warning on their packages or in advertising that their products are unwholesome.

He outlined that he hopes to prove his case through a chain of statistical, biological, chemical, pathological, and clinical evidence.

#### HEALTH NEGLECT SEEN

Theodore Kindle of the New York law firm of Davis, Polk, Sunderland and Kindle, associated with the New Orleans firm of Chaffe, McCall, Phillips, Burke and Hopkins, representing R. J. Reynolds, told the jury that evidence of the defense will show that Lartigue's death was caused by his own neglect of his health.

The defendants claim, Kindle asserted, that Lartigue's death "was not caused by anything they did or did not do in any way, shape or form."

He alleged that the claim of the plaintiff is supported only by "suspicion, conjecture, and things of that character, no substantial evidence."

Kindle sharply criticized Brumfield's request that the jury bring in a verdict for the widow in the sum of \$150,000, pointing out that the amount sought in the original suit was \$779,500. He referred to this amount as "a dream." He asserted that he will produce evidence to show that while Lartigue was still alive he offered to settle with R. J. Reynolds for \$750 for hospitalization expenses and \$750 for loss of work.

#### 'HAD TO GET OUT'

Discussing the factor of con-

tributory negligence on the part of Lartigue, the defense attorney described him as a cigarette "fiend" as far back as 1899 when he was only nine years old. He pointed out that in 1899 the Liggett and Meyers firm was not in existence.

Kindle called Lartigue "a human chimney" and said that in a pre-trial deposition his widow testified that his smoking was so bad that she "had to get out of the house lots of times."

He described Lartigue as a very unhealthy man who had many diseases in his early life and "a prospect for most any type of disease."

Kindle told the jury that there is no basis for a monetary recovery based on anything which happened after July, 1955, the time of Lartigue's death. "Prior to that time," he claimed, "medical science had not reached the point where it could be said that smoking cigarettes could cause this condition."

#### CANCER CAUSE PUZZLE

The cause of cancer today, Kindle asserted, is still as much of a mystery as ever. He claimed that the defense will prove that Lartigue's death was not caused by any of the tobacco products.

Harry Kelleher, of the New Orleans firm of Lemle and Kelleher, representing Liggett and Meyers, told the jury that he adopted Kindle's opening statement but reminded them that the Liggett and Meyers firm was not established until 1911, 10 years after Lartigue started smoking.

He pointed out that until 1911 King Bee tobacco and Picayune cigarettes were manufactured by the W. R. Irby Company of New Orleans.

There is serious conflict in medical science as to what causes cancer, he said, "and I don't believe anyone can say specifically what causes cancer."

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THE TIMES-PICAYUNE  
New Orleans, Louisiana  
September 22, 1960

## THREE TESTIFY IN TOBACCO SUIT

Tell of Research Involving Cigarettes Use

Three expert witnesses testified Wednesday in federal district court about research they have conducted in connection with cigarette smoking and its possible effects on the human lungs and vocal cords.

The testimony was given in a suit in which a Houston widow is seeking damages from two tobacco companies on the grounds that her husband's death from cancer of the lung and vocal cords was caused by his cigarette smoking.

Those who testified Wednesday included Dr. Jacob Fitelson, a New York consulting analytical chemist; Dr. B. L. Van Duuren, assistant professor of industrial medicine at New York university who has been conducting research on the relationship of smoking to cancer for the past five years under the sponsorship of the American Cancer Society, and Dr. John R. McDonald, Detroit pathologist and professor of pathology at Wayne State university.

### BEGAN SMOKING IN 1899

The suit on trial was brought by Mrs. Victoria St. Pierre Lartigue, formerly of Franklin and now a resident of Houston. She claims that her husband began smoking in 1899 and smoked two packages of cigarettes a day until he died of cancer in July, 1955. She is represented by H. Alva Brumfield of Baton Rouge and New Orleans, and Melvin M. Belli of San Francisco.

Defendants are the R. J. Reynolds Tobacco Company and the Liggett and Myers Tobacco Company. The Reynolds firm is represented by the New Orleans legal firm of Chaffee, McCall, Phillips, Burke and Hopkins in association with the New York firm of Davis, Polk, Wardwell, Sunderland and Kiendl. Liggett and Myers is represented by the firm of Lemle and Kelleher of New Orleans, and Webster, Sheffield and Chrystie of New York.

The first witness called by the attorneys for the plaintiff was Dr. Fitelson. He testified that

he has specialized in testing food, drugs and cigarettes.

He told the jury that in March, 1958, he tested samples of King Bee tobacco and Picayune and Camel cigarettes submitted to him by Brumfield and measured their nicotine and tar content.

### TELLS RESULT OF TESTS

Dr. Fitelson testified that the cigarettes were tested by a semi-automatic machine intended to duplicate the habits of the average smoker and that the brown residue which was left in a condensing chamber of the machine was tested for the tar and nicotine.

The chemist testified that the nicotine content in the Camel cigarettes tested was measured at 2.48 milligrams per cigarette, in the Picayune cigarettes it was 2.69 milligrams, and in the King Bee tobacco which was rolled into cigarettes it was found to be 4.42 milligrams per cigarette.

He said that the tar content of the Camels was 27.7 milligrams, the Picayunes, 27.1 milligrams, and in the cigarettes made with the King Bee, 36.3 milligrams.

On cross examination by Frederick Haas, one of the defense attorneys, Dr. Fitelson said that the condensing chamber of the machine used in the testing contained acid and that the smoke was allowed to settle and then washed with hot alcohol and water. The final solution, he said, was allowed to cool to room temperature.

### NO 'ACCORDION ACTION'

Under questioning by Haas, the chemist admitted that there might be a slight chemical change in the cooling process. He said that the residue was never kept more than one day before being tested.

The witness said that the machine used in the testing had no "accordion action" like the human lung and was not an exact duplicate of human smoking.

In answer to a question by Theodore Kiendl, another defense attorney, the chemist testified that he knew nothing of the Lartigue suit when he made the tests.

On re-direct examination by Brumfield, the witness estimated that there were 20 drops of nicotine in each package of cigarettes.

Dr. Van Duuren followed the first witness to the stand and was examined by Belli.

### OBJECTION SUSTAINED

He stated that he is an organic chemist and has written works which have been published by the United States department of public health as a result of his work for the National Cancer Institute.

Dr. Van Duuren testified that his work has been in the isolating and identifying certain compounds found in cigarette smoke

and that during his research he has smoked five different brands, including Camels, in a semi-automatic machine.

When the witness testified that he tested all five brands together, Harry McCall Jr., a defense attorney, objected to the inclusion of any testimony from the witness relating to any brands but Camels. The objection was sustained by the court. The court, however, did allow testimony on the production of tar from organic matter in general.

Dr. Van Duuren told the jury that a residual tar is found in the smoke of any tobacco and that "carcinogenic material" is obtained from all forms of tobacco smoke.

He described that material as "any compound which has given any carcinogenic reaction on animals."

### DEFENSE OVERRULED

Defense attorneys argued at length that testimony concerning the results of animal cancer studies should not be allowed in the trial. But the objection was overruled by Judge Christenberry, who cautioned the jury that such testimony was being admitted only for its probative value. He told the jury to keep in mind that these materials might well have different effects on humans.

The witness testified that he worked with biologists and saw the results of the painting of some of these carcinogenic compounds on the backs of mice. "I saw what the biologists called tumors. I saw growths—sores," the witness said.

On cross examination by Haas, the witness said that he reported none of his work prior to the death of Lartigue. He testified that with respect to animals, none of his work was published until September, 1958, and prior tests had been negative.

After the noon recess the plaintiff's attorneys called Dr. McDonald to the stand. He testified that he has worked on lungs since 1933 and has published over 300 articles, many of them dealing with lung cancer.

### LINKS CANCER, SMOKING

He testified that he has studied groups of smokers and non-smokers. He explained that he has determined that the epithelium lining of the bronchial tubes in smokers becomes smaller, and a lining of the tubes which normally act to sweep out impurities becomes paralyzed and ultimately disappears. Cancerous growths then develop, he said.

These changes, the pathologist said, do not appear in non-smokers. He testified that the lung membranes of smokers become hard, thicken and undergo pre-cancerous changes.

The witness told the jury that he has never seen a "squamous cell" cancer in the lung of a

non-smoker. Under questioning by Judge Christenberry, the witness said that there are several other types of lung cancer, but the one he referred to was found in smokers' lungs.

He said that he is of the opinion that there is a causal effect relationship between this type of cancer and smoking.

### SQUAMOUS TYPE SHOWN

Dr. McDonald testified that he had examined the slide made by the pathologist who performed the autopsy on the body of Lartigue and he had squamous type cancers of the lungs and vocal cords.

From looking at the slides, he testified, he was able to determine that Lartigue was a heavy smoker.

The witness was shown a series of lantern slides of tissues taken from three individuals which he had never seen before and he identified one as being the tissue of a non-smoker, another as the tissue of a person who "undoubtedly smoked," which he described as being in a "pre pre-cancerous stage," and a third which he said was probably the tissue of a person who smoked more than one package of cigarettes a day and which he said was closer to the cancerous stage.

Under cross-examination by Kiendl, Dr. McDonald said that of the more than 300 articles he wrote about cancer, only one discussed the causal relationship between smoking and lung cancer and was published in 1956.

### ARTICLES DISCUSSED

He said that in 1955 he published one article dealing with the relationship between throat cancer and smoking. He said, however, that his opinion on the causal relationship has been entertained since his studies started in 1954.

Kiendl produced four articles written by Dr. McDonald and asked him if that opinion was expressed in these articles. The witness said that it was in two of the articles and contended that it was "implied" in the others. "It was not stated as clearly, it was sort of implied in the background, possibly deeper than it should have been," he asserted.

At the conclusion of his testimony, Dr. McDonald said that he smoked cigarettes until eight years ago, then "became convinced."

The trial will be resumed at 10 a. m. Thursday.

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THE TIMES-PICAYUNE  
New Orleans, Louisiana  
September 23, 1960

## OCHSNER LINKS DEATH, SMOKING

Testifies on Views on  
Cancer, Cigarettes

Dr. Alton Ochsner testified Thursday in federal court that he has "concluded conclusively" that there is a relationship between lung cancer and cigarette smoking.

The specialist in lung surgery was on the witness stand the entire day in a trial in which a Houston widow is suing two tobacco firms on the grounds that her husband's death from lung cancer in 1955 was caused by his cigarette smoking.

The entire morning session and for a short while after the luncheon recess Dr. Ochsner was under direct examination by H. Alva Brumfield, an attorney for Mrs. Victoria St. Pierre Lartigue, who formerly resided in Franklin.

She is suing the R. J. Reynolds Tobacco Company and the Liggett and Myers Tobacco Company. Her husband, Frank Lartigue, died at the age of 65 after smoking since he was nine years old, according to testimony in the case.

When court was recessed by Judge Herbert W. Christenberry at 5:30 p. m., Dr. Ochsner was under cross-examination by Theodore Kienli, New York attorney who represents the Reynolds firm. Because Dr. Ochsner is scheduled to leave the city for a trip abroad, Judge Christenberry said that his cross-examination will be resumed at 9 a. m. Friday, an hour earlier than court usually convenes.

During Dr. Ochsner's direct examination he reviewed his research on lung cancer and said that there are now two types of physicians who do not agree with his findings as to the relationship between smoking and lung cancer. He said these are the ones who work for tobacco companies and those who are smoking addicts.

He also testified that he believed that the lung cancer which caused Frank J. Lartigue's death was caused by his smoking of cigarettes.

On cross examination, Dr. Ochsner denied that he has "an aversion to smoking." He said: "I'm frightened. I'm opposed to smoking for health reasons."

## DR. OCHSNER TELLS OF CANCER CHECKS

When Dr. Ochsner took the stand, he described himself as a specialist in surgery and said that he has taken particular interest in lungs. He testified that he has had over 400 of his scientific papers published, about 50 of them dealing with lung cancer, as well as two popular books on the subject of smoking in relation to health and lung cancer.

During almost half an hour consumed in the questioning of Dr. Ochsner concerning his qualifications, he brought out that he has personally seen about 2000 lung cancer patients and has operated on about half that number. The other half, he asserted, were cases which had gone so far that nothing would have been accomplished by an operation.

Of the patients he has seen, the witness said, about 85 per cent have had squamous cell cancers caused by cigarette smoking. The other 12 to 15 per cent had cancers of another type which he did not attribute to smoking.

Under the questioning by Brumfield, Dr. Ochsner testified that in 1934 he was the third person to successfully remove a lung.

Asked by the plaintiff's attorney how many of the 2000 patients he saw were alive after five years, the physician replied:

"The number is pitifully low. There is only a five per cent survival rate." Of those he operated on, Dr. Ochsner said that about 15 per cent were still alive after five years.

He told the jury that he first became interested in the causal relationship between cigarette smoking and lung cancer in the late 1930s and wrote the first article on the subject in 1939.

## STUDIES OF CASE HISTORIES TOLD

"At that time I only had an opinion of the relationship," he testified and he read from that first article in which he had referred to the increase in cigarette smoking as "a probable factor" in the increase of lung cancer.

He read from an article written later in the same year in which he said: "It is our conviction that pulmonary carcinoma is due largely to the increase in smoking."

The witness quoted from several other articles written from 1939 through 1945 in which the same opinion was expressed. After more studies, he said, he "concluded conclusively" that there is a causal relationship.

Dr. Ochsner testified, however, that there was a period between 1946 and 1948 during which time certain studies were made that he wrote articles in which he said that no factors were found which would bear out a determination of a causal relationship.

These studies were based on case histories taken from patients at Charity hospital and Touro Infirmary. He said that it was later determined that these hospital records regarding smoking histories were not correct.

"If we asked a patient if he smoked he would say 'no,' and we would find out that he had stopped the day before. We learned that we had to have specific smoking records. People suspected of having cancer apparently were ashamed of their smoking," Dr. Ochsner told the court.

## SAYS 85 PER CENT DUE TO SMOKING

The defects in the hospital records were not discovered until 1949, the witness said, and it was then that a special smoking history form was devised for cancer patients.

In a publication in 1950, he testified, he pointed to the incidence of lung cancer as being due to an increase in the use of cigarettes. "In every publication since then I have consistently said that there is evidence of a causal relationship," Dr. Ochsner asserted.

He testified that during the past year between 30,000 and 40,000 persons have died of lung cancer, 85 per cent of it due to smoking.

The doctor read from a paper he published in 1951 predicting that lung cancer caused by smoking would eventually become the most common form and he said that the prediction has come true.

He also read from a 1953 paper in which he said that it was important that lung cancer be considered in every man past 40 who had smoked one pack of cigarettes a day for 20 years.

Dr. Ochsner testified that at first researchers thought that men had a special susceptibility to lung cancer. They are now convinced that this is not the case and that lung cancer is showing an increase in women as their smoking habits increase, he added.

He said that unfortunately there is no early way to recognize lung cancer and that every one who smokes should have an X-ray made of his lungs every three months.

The first symptoms, the witness said, are usually in the form of coughing, but unfortunately, smokers usually have

a cough already and disregard it.

## BLAMES LARTIGUE'S DEATH ON SMOKING

Dr. Ochsner was asked by Brumfield if he had examined the autopsy report of Lartigue, the deceased husband of the plaintiff. He replied that he had and that it was his opinion that Lartigue died of epidermoid cancer which was caused by smoking.

The expert said that he has the same opinion of the causal relationship of smoking to cancer of the larynx, but "cannot speak authoritatively on that subject."

Dr. Ochsner related the results of a study made on Charity hospital patients in 1954 in which the non-smokers were revealed to have normal mucous membrane whereas in the smokers definite changes were seen in the bronchial mucous membrane. He described these as pre-cancerous changes.

Smokers' mucous membranes, he said, begin to resemble skin. It becomes tough, cancer develops and extends through the bronchial wall.

He claimed that experience has shown that as smoking decreases there is a reversal of this process. "We know there is a reversal of the process in the larynx because we can see it," Dr. Ochsner said.

He testified that he believed that there are smoking addicts and defined an addict as "one not being able to give up a habit."

The doctor added, "I have seen several patients who had severe arterial diseases who I told that if they did not stop smoking they would lose their extremities, and they did not stop and they did lose their extremities."

## HOLDS EVIDENCE IS 'OVERWHELMING'

The surgeon said that at the beginning of his investigations his opinions as to the causal effects of smoking in relation to cancer of the lung were "pretty nebulous," but that since that time he has considered the evidence "overwhelming."

There are two types of physicians who do not admit the relationship, he told the jury. "They are the employees of the tobacco companies and those who are addicted."

He asserted that in forming his opinions he relied on two "prospective" studies made by other scientists which he considered much better than his "retrospective" studies. The "prospective" studies were concerned with large numbers of normal people whose histories were followed for several years to see what happened to them.

In respect to animal experimentation, Dr. Ochsner said that such

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studies have been used in part as the basis for his opinions and the experiments have supported his clinical experience.

He produced a microscopic slide of a section of lung tissue taken from Lartigue at autopsy as well as X-rays made of Lartigue's lungs taken when he was a patient at Foundation hospital.

Dr. Ochsner identified the cancer of the right lung for the jury and testified that Lartigue had an epidermoid or squamous cell cancer of the lung.

After hearing Brumfield read a history of Lartigue's personal life, including his smoking habits, the doctor was asked his opinion as to what caused the lung cancer.

"I believe it was excessive smoking. I believe the cancer of his larynx was also caused by smoking," he replied.

#### ANSWERS QUESTIONS ABOUT 'OTHER FACTS'

On cross examination, Dr. Ochsner, in answer to a question by Kiendl, said that he had assumed that all of the facts recited by Brumfield as to Lartigue's personal history and smoking habits were true. He said that he seen Lartigue's history.

"It doesn't matter what all of the other facts were, if the two cardinal factors, smoking and cancer, were there, your answer would be the same, all of the other facts would be surpluses?" Kiendl asked.

The witness answered, "Yes."

Dr. Ochsner said that no matter what diseases of the respiratory tract Lartigue might have had, he would not change his opinion as to the cause of the cancer of the lung.

"Tuberculosis would not make any difference. Our experience shows no relationship between tuberculosis and cancer of the lung," he answered Kiendl.

Lartigue's history shows that he suffered from tuberculosis and a number of other diseases in his early life.

"Is it fair to state that you have a profound aversion to smoking?" Kiendl asked Dr. Ochsner.

"No, I am frightened. I have no aversion to smoking. As a physician I am frightened as to what it does," the witness answered.

Asked about whether or not he has smoked, Dr. Ochsner said that he smoked about a dozen cigarettes when he was 21 years old. "My father asked me not to until I was 21 and I had a great respect for him and did not. I tried it,

it tasted so vile I didn't again," he asserted.

#### NO 'MYSTERY' ABOUT CANCER—OCHSNER

Kiendl then asked the doctor if he had ever testified that he had never smoked in his life and Dr. Ochsner replied, "No, I don't believe I did."

Later in the cross examination Kiendl produced an article and read it in which he quoted Dr. Ochsner as saying, "I have never smoked and if I had I cannot imagine myself continuing after looking at a cancer."

A great portion of the cross-examination was taken up with the introduction of articles written by Dr. Ochsner as late as 1949 in which the defense attorney claimed that the doctor had stated that the definite cause of lung cancer was not known and much of the research was "obscure."

With the production of every one of these articles Dr. Ochsner claimed that the defense attorney was lifting certain portions out of context.

Dr. Ochsner was asked: "Isn't it true that the mystery of cancer has never been solved?" He answered: "There isn't any mystery about cancer."

In connection with Dr. Ochsner's testimony concerning the use of the prospective studies which he used to support his opinions, Kiendl produced testimony from another trial in which the conductor of one of these studies testified and attempted to show that the testimony proved that the studies did not show a relationship between lung cancer and smoking.

Dr. Ochsner denied any knowledge of the testimony and when shown an article written by the same researcher and asked to point out any direct statement concerning such a relationship, the witness said that he could not, but called attention to a graph showing what he said was a comparison of the mortality rate of smokers and nonsmokers.

Dr. Ochsner said that there is no connection between nicotine and lung cancer. He said that it does, however, produce severe conditions in the lungs "almost as devastating."

He defined excessive smoking as one package of cigarettes a day or more and added, "You are never safe until you stop."

1003543364

NEW ORLEANS TIMES-PICAYUNE  
New Orleans, Louisiana  
September 24, 1960

## CANCER OF LUNG, SMOKING LINKED

### Two Experts Testify in Texas Widow's Suit

Two experts testified Friday in federal court that they believe that there is a relationship between cigarette smoking and cancer of the lung.

They were called to the stand during the fifth day of the trial in which a Houston, Tex., widow is suing two cigarette companies. She claims that her husband's death in 1955 from lung cancer was caused by his smoking.

Before the two new witnesses were called to the stand by the plaintiff's attorneys, defense counsel completed cross examination of Dr. Alton Ochsner. Dr. Ochsner had testified all day Thursday and told the court that he has concluded that there is a definite causal relationship between smoking and lung cancer.

Dr. Richard H. Overholt, head of the Overholt Thoracic Clinic in Boston, Mass., testified on direct examination Friday that he is afraid that lung cancer will decimate the population.

He also told the jury that cigarette smokers stand a 97 per cent chance of getting lung cancer. And he said that if the plaintiff's husband "had been fortunate enough never to have smoked he would not have had the cancer from which he died."

Dr. George Moore, director of the Roswell Park Memorial Institute in Buffalo, N. Y., said: "It is beyond reasonable doubt that long, heavy smoking will result in cancer of the lung."

### 2048 LUNG CANCER CASES OBSERVED

Dr. Overholt, under questioning by H. Alva Brumfield, one of the plaintiff's attorneys, said that he first became interested in lung cancer in the late 1920s when he was a student of the inventor of the bronchoscope. He said that he was the first person to remove a lung in a 1933 operation.

He testified that he has seen or supervised 2048 lung cancer cases and of 60 or 70 per cent of these that have been operated on he has performed 47 per cent of the surgery.

Dr. Overholt said that there is a marked difference in the appearance in the bronchial

tubes of smokers and non-smokers and he first suspected a link in smoking and cancer in 1939 when he noticed "something happening" to the linings of the air tubes of smokers. It was at that time that he gave up smoking himself, he asserted.

The witness told the court that he cannot explain why all smokers do not get cancer of the lung, "but they may get it if they live long enough."

He said that he feels that this can possibly be explained by the fact that only small percentages of persons exposed to other diseases such as tuberculosis and infantile paralysis ever get those diseases. "We can't say why some get it and others don't," he added.

Smokers do not get skin cancer from the contact of the tobacco with their fingers because of the difference in the type of tissue structure in the skin and in the lining of the lungs.

### FEARS POPULATION MAY BE DECIMATED

Dr. Overholt testified that it takes long periods of chronic irritation to cause the tissue cells to "go berserk, multiply and cause trouble."

He added, "If you people had seen as many people suffocating with lung cancer as I have, you would understand why I am here. I am afraid it is going to decimate our population."

Asked by Brumfield if there is any mystery to cancer, the witness replied: "There is a mystery to life and a mystery to what changes a normal cell to a cancer cell, but there is no mystery about the relationship between smoking and cancer."

"I am of the opinion that if a person smokes over a long period of time there is a great likelihood that he will get cancer."

### DOCTORS CROSS-EXAMINED

He said that he had read the history of the plaintiff's husband and had interviewed the plaintiff about his smoking habits and from that he formed the opinion that his cancer was caused by smoking.

On cross examination by Theodore Kiendl, a defense attorney, Dr. Overholt admitted that if he ruled out all of the other facts in the deceased man's history except the two factors of smoking and cancer he would still come to the same conclusion.

He testified that if the deceased had worked with radioactive materials or was exposed

to chromates he would consider these two other possibilities for the cause of his cancer.

The doctor told Kiendl that most doctors who disagree with his opinion are smokers.

He referred to "strong circumstantial evidence that incriminates the person who is guilty—the smoker," but later, when questioned by the defense attorney about the word "circumstantial," he said "To me the evidence is so overwhelmingly positive I do not want to use the word."

### PRODUCING CANCER IN MICE DESCRIBED

Dr. Moore described the Roswell Park Memorial Institute as the second largest cancer center in the world devoted to research and treatment.

He described research in which cancer is produced in mice "pretty much at will" and with the same compounds that produce cancer in humans.

The doctor also described methods used to extract the nicotine and tar from cigarettes through the use of smoking machines. He said that a number of cancer producing compounds have been found in the tar and others are still being found.

Before the tar is applied to the mice, he said, it must be separated from the nicotine because the nicotine is so toxic in itself that the mice would be killed before the cancer could be produced.

### OCHSNER 'FRIGHTENED'

Other witnesses during the trial, however, have testified that nicotine has no relationship to cancer of the lung.

Dr. Moore said that of 8000 persons involved in a study of the problem, there was a high incidence of lung cancer among smokers.

During the conclusion of his cross examination, Dr. Ochsner said that he has been "frightened" about the increase in lung cancer for many years.

Asked by Kiendl if there would not be a parallel between the incidence of cancer of the larynx and lung cancer if lung cancer was due to smoking, Dr. Ochsner said that he believes there is such a parallel from his clinical experience.

### RESEARCH ADVANCE CHANGES OPINION

Kiendl sought to show that certain statistics do not bear out this opinion and Dr. Ochsner said "I'll tell you why. They are

easily cured, most persons are cured. I maintain the incidence is increasing."

The witness claimed that statistics produced by the defense attorney were based on mortality and had nothing to do with the incidence of larynx cancer. Kiendl showed the doctor Charity hospital statistics from 1937 to 1947 which were not based on mortalities.

"There is probably an explanation for that," Dr. Ochsner asserted. "Pre-cancerous conditions in the larynx can be easily detected and prevented by early diagnosis and the stopping of the smoking."

Questioned on the incidence of lung cancer in males and females, the witness said that at first he thought there was some sexual predisposition in males and made many such statements but later changed his opinion as research advanced.

"I have seen some persons develop cancer of the lung after six years of smoking, some after many years. Generally a pack a day for 20 or 25 years in the male is the time needed to produce a malignancy," he asserted.

### HIGHER INCIDENCE IN N.O.

Dr. Ochsner denied being biased when he was accused of it by Kiendl. "I am not biased. I am just an advocate of health," he said. "I am worried about the things that are happening to the people I have to take care of."

On the subject of air pollution and its possible relationship to lung cancer, Dr. Ochsner said that he has concluded that it plays no role. He said that he studied statistics from Pittsburgh, Pa., and New Orleans and found that New Orleans has a much higher incidence of lung cancer.

"Do you know that the downtown area of Pittsburgh, a highly industrialized area, has an excessively high incidence?" Kiendl asked.

Not as high as New Orleans, the doctor replied.

The cigarette suit has been brought by Mrs. Victoria St. Pierre Lartigue, formerly a resident of Franklin, against the R. J. Reynolds Tobacco Company and the Liggett and Myers Tobacco Company for the death of her husband, Frank J. Lartigue.

The trial will be resumed at 10 a. m. Monday before Judge Herbert W. Christenberry.

1003543365

THE TIMES-PICAYUNE  
New Orleans, Louisiana  
September 27, 1960

## Smoke-Cancer Link Claimed

### Medical Men Testify at Trial in N.O.

Three medical men testified Monday in federal district court that they believe that there is a relationship between cigarette smoking and lung cancer. Their testimony came in the trial of a case in which a Houston, Tex., widow is suing two tobacco companies, claiming that the death of her husband in 1955 from lung cancer was due to his heavy smoking.

The witnesses called by the attorneys for the plaintiff at the trial entered its second week. Included Dr. Charles Ross, chief of thoracic surgery at the Roswell Park Memorial Institute in Buffalo, N. Y.; Dr. Suk Chul Chang, a member of the pathology department at the University of Toronto, and Dr. William L. Watson, chief of the thoracic surgical service at the New York Memorial Hospital for Cancer.

Under direct examination by H. Alva Brumfield, one of the plaintiff's attorneys, Dr. Ross described results of tests made with automatic smoking machines through which tars were extracted from five popular brands of cigarettes.

#### CILIA DESTROYED

He said that the tars were applied to the respiratory epithelium of dogs and within a few weeks the cilia of the bronchial tubes had been destroyed and

replaced by a hard substance similar to skin which did not secrete mucous. If no further application were made he testified, the bronchial tubes gradually reverted to normal.

The witness explained that the cilia are tiny hair-like objects which line the bronchial tubes and act to sweep out impurities.

He also stated that his tests revealed that the tars extracted from all of the popular brands of cigarettes tested were similar.

Better than 90 per cent of the lung cancer patients he observed, Dr. Ross said, have been smokers, including those who had cancers which are not connected with smoking. Of those who had epidermoid cancers, 98 per cent were smokers and in the past year he has seen only two patients with this type of cancer who were not smokers, the witness asserted.

"In my opinion cigarette smoking is a causative factor in epidermoid cancer of the lung," he told the court.

#### BASED ON STUDIES

After he read a personal history of the plaintiff's husband, including his smoking habits over a period of 55 years, Dr. Ross said: "Assuming he smoked many cigarettes a day for as long a period as he did, I would assume it was a causative factor in his lung cancer."

Under cross-examination by Frederick Haas, a defense at-

torney, Dr. Ross said that his observations were based on his own clinical studies.

He explained that in the animal experiments the tar was applied to the trachea of the dogs used with a small piece of sponge which replaced a portion of the trachea. The sponge was saturated with the tar, he said.

Dr. Ross said that he does not contend that the experiments simulated human smoking habits and that other diseases can produce the same changes seen in the dogs.

#### RESEARCH SINCE '53

When questioned by Theodore Kiendl, another defense attorney, the doctor said that he does not know the single cause which will turn a cell malignant. He said that he does not know the "mechanics" of the change. "We don't pretend to know what goes on in an individual cell," he said.

Dr. Chang told the court that he has been doing cancer research since 1953 and has done much research on the change in the mucous membranes of humans, most of it from post mortem autopsies but some after lung removal operations.

He said that he is the inventor of a special method of removing the mucous lining of the bronchial tubes so that it can be studied on microscopic slides. The pathologist told the court that he has examined over 12,000 such slides since 1953.

#### EXHIBITS SLIDES

He first became interested in lung work in his native Korea where the incidence of tuberculosis was very high, he asserted.

During his testimony he exhibited 19 photo microscopic slides of tissues and described the changes which he contended takes place in the cell structure when the person smokes cigarettes.

No one knows the exact origin or mechanism of the development of a cancerous cell, he testified, but he said that he believes that the changes which he pointed out on the slides and are precancerous are caused by cigarette smoking.

Dr. Chang testified that a study of 132 cases of lung cancer revealed that 130 of them were smokers and from the history of the plaintiff's husband, the witness said that he believes that the amount of his smoking caused his cancer.

#### SEES 3334 CASES

On cross-examination, Kiendl brought out from the witness that only three of the slides shown were from non-smokers and that even many non-smokers show the formation of epidermoid cancer.

Dr. Watson described the New York hospital with which he is associated as the largest cancer research and treatment center in the world and said that between 1926 and 1957 he has seen 3334 cases of lung cancer.

His first clinical experiments on the relationship between cancer and smoking were begun in 1950, he testified.

A sampling of 700 patients in an 18-month period, he said, revealed that 301 had lung cancer and of that number, 98.1 per cent were smokers.

"I have a firm conviction that smoking is one of the major, if not the most important factor," he asserted.

#### HEAT HELD FACTOR

For the average person, 10 to 20 cigarettes for a period of 20 years is a "real risk, a serious handicap so far as the possibility of developing lung cancer compared to a similar man living in a similar environment is concerned."

The heat of a cigarette generated by a fast smoker is also a factor, he asserted. "I never said any particular person had a cancer caused by smoking. There are certainly factors, additive factors, and smoking is one of these factors," he added.

This witness also connected the plaintiff's husband's death with his smoking habits.

The suit on trial was brought by Mrs. Victoria St. Pierre Lartigue, formerly a resident of Franklin, for the death of her husband, Frank J. Lartigue. The defendants are the Liggett and Myers Tobacco Company and the R. J. Reynolds Tobacco Company.

1003543366

## Three Witnesses Relate Lartigue Smoking Habits

### Testify in Cigarette-Cancer Case Trial

Three witnesses in the cigarette-cancer case being tried in federal court testified Tuesday as to the smoking habits of a man whose widow brought the suit, contending that the lung cancer from which her husband died was caused by his smoking.

The case on trial was brought by Mrs. Victoria St. Pierre Lartigue, formerly of Franklin, and now a resident of Houston, Tex., against two tobacco companies. Her husband, Frank J. Lartigue, died on July 13, 1955, at the age of 65.

Those who testified Tuesday that Lartigue was a "heavy" smoker, "lighting one cigarette from another," included Mrs. Josephine Boudreaux, Houston, Tex., a sister of the plaintiff, and John Lamaison and Cornelius Lamaison, both of Franklin, nephews of the plaintiff.

#### 'ONE AFTER ANOTHER'

Mrs. Boudreaux testified, under questioning of H. Alva Brumfield, the plaintiff's attorney, that she knew Lartigue since 1918 and at that time he smoked Picayune cigarettes and King Bee tobacco and in her presence smoked one after another.

"He had a cigarette all of the time. He would sit and drink coffee, light one cigarette, smoke it, and light another from it, one after another," she testified. She claimed that he began smoking Camel cigarettes in the 1940s and smoked about two packages a day.

Under cross examination by Harry Kelleher, Mrs. Boudreaux said that she made these observations on his occasional visits to her home in Houston.

#### ROLLED HIS OWN, WITNESS RECALLS

Another defense attorney, Harry McCall Jr., asked her how she happened to remember that he smoked two packages a day and she replied that she did because her family smoked Camels. Under further examination by McCall, she could not remember the

color of Lartigue's hair before it turned gray or the color of his eyes.

John Lamaison said that he first remembered Lartigue rolling his own cigarettes from King Bee tobacco. He said that Lartigue also smoked Picayunes at the same time and smoked Camels "towards the last."

"He had a cigarette all the time," the witness said.

#### REMEMBERS HABITS

In answer to Kelleher's questions, Lamaison said that he could not remember what business his uncle was in and saw him only two or three times a year.

Cornelius Lamaison told the court that he remembered his uncle's smoking habits since he was a young boy and used to go to the store to buy tobacco and cigarettes for him. "He read a lot and would roll four or five at a time, put them by his side and light one from the other while he was reading," the witness said.

Tuesday's session opened with the cross-examination of Dr. William L. Watson, chief of thoracic surgery at the Memorial Hospital for Cancer in New York, the largest cancer research and treatment center in the world. Dr. Watson was examined Monday by Brumfield and testified that he feels that there is a relationship between cigarette smoking and lung cancer.

#### 'FACTORS CAUSING CANCER KNOWN'

Under cross-examination by Theodore Klendl, a defense attorney, Dr. Watson was asked by the defense if he had not testified Monday that he had never contended that any particular patient had a cancer caused by smoking.

Dr. Watson replied: "Read my articles and you will see that."

The witness took issue with Klendl over the meanings of the words "cause" and "factor." He said: "I say there are several factors, the cause of cancer is not known in all cases but we know the factors which cause it."

Asked if the cause of cancer is a mystery, the witness said that the entire number of causative factors is unknown.

He said that Lartigue's case does not differ from 3000 cases he has studied since 1926 and that smoking became a factor in lung cancer around 1948 or 1949. Smoking histories of patients have been much more detailed since that time, he asserted.

#### DEPOSITION FILED

"I believe no one knows the single cause of cancer, but as the years go by we know more factors which produce cancer," he said.

Dr. Watson admitted that in an article he published in 1950 he listed air pollution, tuberculosis, and several other factors in connection with the production of lung cancer, but said that he has changed his mind. "Ten years have made a big difference," he added.

During Tuesday's session the plaintiff's attorneys filed in evidence a deposition by Dr. Bela Halpert, chief of laboratory services at the Houston Veterans Administration hospital where Lartigue died, in which the doctor said that the autopsy report showed that Lartigue died of a squamous cell cancer of the right lung.

#### \$1450 REQUESTED IN LETTERS READ

Also read to the jury were letters Lartigue wrote to the R. J. Reynolds Tobacco Company after it was discovered that he had cancer of the throat and his vocal cords were removed at the Ochsner Foundation hospital.

In one of these letters he said: "I think you all are responsible for my trouble and expense," and asked for \$750 in medical expenses and \$700 in lost earnings.

Two depositions taken from executives of the Reynolds company and the Liggett and Myers Tobacco Company, the other defendant, before the trial, were also read to the jury.

Haddon S. Kirk, vice-president in charge of manufacturing for the Reynolds firm, testified in his deposition that his firm had had reports for many years on the nicotine content of its cigarettes but not on the tars.

#### 'WANTED TO FIND TRUTH'

He claimed to have no knowledge of tars in tobacco and claimed that those in the to-

bacco industry never used the word "tar."

According to his deposition, the company became interested in the question of the relationship of smoking to cancer of the lung about 1952 and as a result the Tobacco Industry Research Committee was formed. "We wanted to find the truth," he testified.

TIRC never reported anything deleterious in tobacco, according to the deposition.

The introduction of filter tip cigarettes on a large scale had nothing to do with the alleged relationship between smoking and cancer, he testified.

#### 'TAR CONTENT' OPEN TO DEBATE

William Augustus Blount, vice-president of the Liggett and Myers Tobacco Company in charge of manufacturing and processing, in his deposition testified that no tests have been made for tars on either King Bee tobacco or Picayune cigarettes.

When the plaintiff's attorneys referred to the "tar content" of the cigarettes, the Liggett and Myers executive answered: "I don't know what you are talking about."

He claimed that there is a residue from the smoke which "looks like tar but we have been led to believe that there is no relationship to coal tar."

#### 'SMOKING RESIDUE' SEEN

He referred to this material throughout his deposition as "smoking residue." He said that it has been known for hundreds of years that there are black oils which come from the smoke "but it will take another 25 or 30 years to tell what is in those oils."

No one can say if filters take any of the residue out of the smoke, according to the deposition, but they do take out slight amounts of nicotine.

Liggett and Myers, he testified, is not a member of the industry's research committee, contending that the firm has the facilities to do the research better and faster.

The trial will resume Wednesday before Judge Herbert W. Christenberry at 10:30 a. m.

1003543367



# Lung Cancer Opinion Given

THE TIMES-PICAYUNE  
New Orleans, Louisiana  
September 29, 1960

In a deposition read Wednesday in federal court a researcher at the world's largest cancer research and treatment center stated that it is his opinion that the more a person smokes, the greater the person's risk of getting lung cancer.

The deposition of Dr. Ernest L. Wynder of the New York Memorial Cancer hospital and the Sloan-Kettering institute was read during the trial of the case in which a Houston widow is seeking to prove that the lung cancer from which her husband died was caused by his smoking.

Dr. Wynder is in charge of the section of epidemiology at the New York cancer center. That section includes both clinical studies and biological and chemical research. He is also active in the practice of medicine, the deposition stated.

## 5 TYPES OF EVIDENCE

Epidemiology, according to the deposition, is a study of diseases as they occur in various population groups and an attempt to find out why different diseases occur at different rates in different population groups.

Five types of evidence have been considered in his studies of lung cancer, the doctor stated in the deposition which was taken in New York on Aug. 3, 1960.

The first was called presumptive evidence "where we know that lung cancer, which used to be a most uncommon disease, has today become the most common cause of cancer death in the American male."

He said that a factor must be sought for the increase and that a number of factors have increased in the United States, one of which has been cigarette consumption.

## CIGARETTE SMOKE

Lung cancer has increased primarily in men, the deposition reveals, and to a far lesser extent in women.

"Therefore," he said, "we seek a factor to which men have been exposed more than women. This would nearly exclude air pollution, since women in our cities are exposed as much to city air as are men. However, national statistics clearly show men have smoked cigarettes for a far longer period of time than women."

He added that as part of what is called presumptive evidence is the fact that when a smoker inhales deeply up to 90 per cent of the smoke is retained in the lungs.

One of the established facts in cancer research, he claimed, is that a great many of the substances in cigarette smoke are carcinogenic or induce cancer.

Another type of evidence, he asserted in the deposition, is epidemiological. In studies of this type, "the most striking fact to us was the rarity with which lung cancer occurred among non-smokers, and the fact that about one-fourth of lung cancer patients smoked about two packs a day."

## OCCUPATIONAL FACTOR

Regarding the occupational factor, the researcher said that a number of occupations were found, including metal workers, painters and cabinet makers in which an increased risk of lung cancer was found, but these could make up only a small percentage of the total lung cancer cases in this country.

## RATE PREDICTED BY DATA, VIEW

Since 1950, studies conducted by Dr. Wynder at the New York center on lung cancer patients have resulted in the finding that the more a person smokes, the greater the person's risk of developing lung cancer, according to the deposition.

The doctor termed "one of the intriguing leads" the fact that lung cancer is far more common among males than among females. Very few women have been found who have smoked at least a pack of cigarettes a day for the past 20 years compared to men, he said. And he claimed that an analysis showed that the present sex ratio of lung cancer is entirely consistent with the long-term smoking habits of the two sexes.

Population studies show that the risk of lung cancer increases sharply with the amount of cigarette smoke "and you can predict the rate of lung cancer in a given population upon knowing what the cigarette consumption in that given population is," he asserted.

## MICE, RABBITS

In connection with biological evidence relied upon by researchers, Dr. Wynder testified that cigarette smoke condensate placed on the skin of mice and

rabbits produces cancer in a certain percentage of cases.

The deposition revealed that when the witness was turned over by H. Alva Brumfield, the plaintiff's attorney, for cross-examination, he replied to defense attorney Frederick Haas that in a 1950 study 40 per cent of the lung cancer patients were non-smokers, but that the percentage was based on 10 out of 25 cases only.

## UNDERSTANDING IS ARGUED

He also admitted that he has stated that epidermoid cancer of the lung occurs in non-smokers, but he called it "a rare entity."

The doctor also testified that he has considered factors other than smoking in his studies and that not all of the factors are necessarily understood.

"... In effect, we say today that we do not necessarily understand all of the factors that play a role in the development of lung cancer in anybody or of any other cancer," he asserted.

The researcher admitted that cancer is a disease of many causes, when questioned on this point by Haas.

"As late as 1956, isn't it the fact that you felt that 'The cause of cancer has puzzled men for generations and to our present knowledge there is no single cause?'" Haas asked.

## EXPLAINS STATEMENT

"He admitted that he made the statement in 1956 and added: 'I still say today that the total information and all the answers to the cancer problem, of course, are still a puzzle to man. But when we speak about total causation, this applies to nearly any other disease.'"

He pointed out that every person exposed to tuberculosis bacillus will not necessarily develop tuberculosis. "By the same argument," he said, "you may say that therefore we don't know anything about the development of tuberculosis, just because we do not know all of the factors that cause tuberculosis."

Asked if he believed all other factors involved in the causation of lung cancer have been ruled out, Dr. Wynder said: "We believe that we have ruled in several other factors besides smoking, though we have always stated that smoking was the most important cause."

## NOT EVERY SMOKE DEVELOPS CANCER

The witness testified that he has always believed that there must be some element of predisposition, "because obviously not every smoker develops cancer."

Court was recessed by Judge Herbert W. Christenberry before the lengthy deposition could be read in full. Its reading will be continued at 10 a. m. Thursday.

The first person called to the witness stand Wednesday morning was the plaintiff, Mrs. Victoria St. Pierre Lartigue, whose husband, Frank J. Lartigue, died on July 13, 1955 at the Veterans Administration hospital in Houston, Tex., at the age of 65.

Mrs. Lartigue testified as to her husband's smoking habits, calling him "a slave to his cigarettes."

She said that when she first met him in 1913 he was smoking Picayune cigarettes and cigarettes rolled from King Bee tobacco. In the 1940s, she said, he began smoking Camel cigarettes also.

The witness testified that she married Lartigue in 1917 and lived in Beaumont, Tex., for a while when he was in the insurance business. In 1934 they moved to Hot Springs, Ark., when he began suffering from rheumatic pains.

## WAS CHAIN SMOKER

During all of their married life, she said, he smoked two packages of cigarettes a day and lit one from the other.

"He couldn't do without them. Many a time I begged him not to smoke," she said.

Mrs. Lartigue told the court that her husband never learned to drive an automobile and that for many years when he was working as a collector for a finance company she drove him around. Sometimes the smoke in the car became so bad she had to open the window during the winter, she added.

She said that even in their apartment the smoke became so oppressive at times that she had to open the windows.

Under cross examination by Harry McCall Jr., a defense attorney, Mrs. Lartigue said that while her husband was in the Army during World War I he suffered from shortness of breath and could not drill.

Mrs. Lartigue's suit is against the Liggett and Myers Tobacco Company and the R. J. Reynolds Tobacco Company. She is seeking \$150,000 for her husband's death.

1003543368

## TARS RESEARCH EVIDENCE URGED

### Further Arguments on Admission to Be Heard

An effort was made Thursday in federal court to have admitted into evidence an unpublished report of a tobacco company's research dealing with the effects of tobacco tars on experimental animals.

The report was offered by H. Alva Brumfield and Melvin M. Belli, attorneys for the plaintiff in a case in which it is alleged that there is a causal relationship between cigarette smoking and lung cancer and that the cancer from which the plaintiff's husband died was caused by his smoking.

District Judge Herbert W. Christenberry reserved a ruling on the offer until after he hears further arguments from opposing counsel at 10 a. m. Friday.

When Brumfield and Belli sought to have the report included in the evidence, they described it as a report of the Liggett and Myers Tobacco Company, one of the defendants in the case. They said it was based on a study made by a private testing firm which the plaintiff's attorneys contend confirmed research of one of their witnesses who claimed that the painting of tobacco tars on mice have produced cancers.

#### OBJECTIONS VOICED

The plaintiff's attorneys have placed in evidence a lengthy deposition made prior to the trial by Dr. Ernest L. Wynder of the New York Memorial Cancer hospital and the Sloan-Kettering Institute in which he describes experiments with tobacco tars on animals which produced cancers.

Brumfield and Belli told the court that Liggett and Myers had the testing firm duplicate the experiments referred to by Dr. Wynder in an attempt to refute them, but instead, the research by the private testing firm confirmed Dr. Wynder's work.

Strenuous objections to the admission of the report were voiced by attorneys for both Liggett and Myers and the R. J. Reynolds Tobacco Company, the other defendant in the suit.

They contended that the report was never made public and that they have never had chance to study its contents.

Brumfield and Belli told the court that defense attorneys refused to make the report available to them until ordered to do so by the court.

#### FTO RULING BARRED

Judge Christenberry refused to allow the introduction by the

attorneys for the plaintiff of a ruling of the federal trade commission regarding cigarette company advertising. certain statements made by the surgeon general of the United States on the subject of smoking and lung cancer, and a congressional report on the subject.

As it appeared that the plaintiff's attorneys were nearing the end of their presentation, when court was recessed Thursday Judge Christenberry instructed Brumfield and Belli to inform the court and opposing counsel Friday morning as to what their plans for the day are.

Much of the Thursday session of court was taken up with a continuation of the reading of Dr. Wynder's deposition.

On cross-examination, Dr. Wynder was asked by Frederick Haas, a defense attorney, about the clinical evidence concerning the alleged relationship between cigarette smoking and lung cancer.

#### 'CLINICAL IMPRESSION'

Dr. Wynder's answer was: "The clinical impression was this: That when you ask a lung cancer patient a clinical history which is part of the overall clinical impression, you find that the vast majority of lung cancer patient will state that they have smoked at least a pack of cigarettes a day for many, many years."

"The clinical impression is that if you have a diagnostic problem where you think, on the basis of an X-ray, that it may or may not be lung cancer, and the patient is a non-smoker, that most of the time this patient turns out to have a disease other than lung cancer."

Dr. Wynder stated in the deposition that at one time he wrote in a scientific article that "benzpyrene, which we all know is a carcinogenic agent, in cigarette paper or in cigarette smoke is insufficient to be carcinogenic."

He explained this by saying that he did not consider it to be enough by itself to account for cancer in animals and that with the finding of new compounds in cigarettes like phenolics and acids, when added to the benzpyrene, do produce cancer in mice.

#### DIAGNOSING CANCER

The doctor would not agree that physicians are better trained today to diagnose cancer than they were 10 years ago, but he said "we are better trained than we were 20 or 30 years ago."

The suit, which is in its second trial week, was brought against the tobacco companies by Mrs. Victoria St. Pierre Lartigue, formerly of Franklin, seeking damages of \$150,000 for the death of her husband from lung cancer on July 13, 1955.

1003543369

#### VIEW ON HEART ILLS

The American Heart Association has changed its stand on whether smoking contributes to heart diseases from "not enough evidence" to "maybe." Statistics showing that coronary heart disease death rates are 50 per cent higher among heavy smokers than among nonsmokers are not conclusive, according to AHA, but "strongly suggest" that there is some relationship.

THE TIMES-PICAYUNE  
New Orleans, Louisiana  
October 1, 1960

## CANCER-SMOKE LINKS REJECTED

See No Relation, Say  
Expert Witnesses

Defendant tobacco companies in the cigarette-cancer suit being tried in federal court Friday placed two expert witnesses on the stand who said that they see no relationship between smoking and lung cancer.

Attorneys for the plaintiff had concluded their presentation earlier after Judge Herbert W. Christenberry refused to allow the filing in evidence of an unpublished report of a tobacco company's research dealing with the effects of tobacco tars on experimental animals.

Judge Christenberry denied a motion by the defendants asking that all testimony in connection with animal experiments be stricken from the record and one asking that the jury be directed to return a verdict for the defendant.

The first witness for the defendants was Dr. Thomas H. Burford, St. Louis, Mo., professor of surgery at Washington University and chief of the thoracic surgery division at Barnes hospital in St. Louis.

He said that he has attended over 2000 cancer cases and has operated on over 1275 "from all walks of life, all social and economic strata, all occupations and all races."

Asked by defense attorney Harry Kelleher if he had an opinion on the incident of lung cancer in non-smokers, Dr. Burford said: "It definitely does occur. In my own opinion it has appeared in between 20 and 25 per cent of the cases."

### SAYS 'NO MAN KNOWS CAUSE OF CANCER'

He said that he cannot say with reasonable medical certainty that epidermoid cancer of the lung is caused by smoking. "I cannot say probable or that it is a contributing factor," he asserted.

The surgeon testified that it is not a generally accepted fact in the medical fraternity that it is a factor. When presented with a hypothetical question based on the personal and medi-

cal history of Frank J. Lartigue, whose widow is suing the tobacco firms on the grounds that the lung cancer from which he died in 1955 was caused by smoking, he said that he could not be medically certain that Lartigue's cancer was caused by smoking.

He said that he is of the opinion that cigarette smoking does not cause cancer and that the opinion is based on his own clinical experience and observations.

Dr. Burford testified that he has seen only four cases of cancer of the trachea "which gets the blast of cigarette smoke coming and going."

He said that there is a well known difference in the incidence of lung cancer in males and females, with the male having a five to one rate over the female. He denied that this ratio is narrowing and contended that it is staying the same.

"No man knows the cause of any cancer or any kind of cancer. If that question were answered, I would not be here," he testified.

### MANY COLLEAGUES' VIEWS SAME, HE SAYS

He was cross examined at length on this statement by Melvin M. Belli, one of the plaintiff's attorneys.

"What happens in the case of an excess of X-ray, do we get a high rate of cancer?" Belli asked.

"Yes," the witness replied, but he claimed that this was tied in with the susceptibility of those exposed to the rays. He termed X-ray a "probable" cause and then said that it "could be a contributing factor." Other factors, he said, are susceptibility, and sensitivity of the skin.

He said that he is not one of those who believes in the relationship between cancer and atomic or hydrogen energy and denied that cancer incidence in Hiroshima after the atomic bomb was dropped was conclusive.

The witness denied being prejudiced and said that many of his colleagues hold the same

view with regard to atomic and hydrogen energy. Asked by Belli to point to any scientific articles which hold with his views, the witness said that he could not.

Dr. Burford said that he did not believe that animal experiments with cigarette tars could be applied to humans and that he has not encountered any experiments which could be considered conclusive.

Belli referred to Dr. Burford's direct testimony that lung cancer appeared in 20 to 25 per cent of his cases of non-smokers, and asked if it were not true that 75 to 80 per cent of the cases were heavy smokers. The witness admitted this.

Dr. Burford denied being employed by the cigarette industry and said that he is being paid on an expense and time basis. "I will submit to someone an expense and time account, I don't know what it will be," he asserted.

### NOT SCIENTIFICALLY PROVED—MAHORMER

The doctor said that he smokes about a pack and a half of cigarettes a day but has no sympathy for the person who can't stop smoking. "I do it myself every month or so just to prove it to myself," he asserted.

Dr. Howard Mahormer, professor of surgery at the Louisiana State university medical school, followed Dr. Burford to the stand. He was questioned by Harry McCall Jr., another defense attorney.

He said that he has seen and operated on persons having lung cancer and in answer to the question of whether or not he had an opinion on the causal relationship of smoking and lung cancer, he said:

"We don't know the cause of cancer. Tobacco has been put under suspicion principally because of statistics. Whether there is a possibility that tobacco causes cancer is not scientifically proved by any means. If it is a factor, when it operates, in whom it operates, we are unable to say."

He said that many in the med-

ical profession disagree with him and that in forming his opinion he has taken into consideration the factors used by those who disagree.

He was also asked the same hypothetical question based on Lartigue's history and he said that in his opinion it cannot be said that his cancer was caused by his smoking. "Who can say that the man would not have developed cancer of the lung if he had never taken a cigarette?" he asked. "He could have and he might have."

Cross examined by Belli, Dr. Mahormer said that he could not cite any specific medical works to support his opinion on lung cancer and smoking and could not give any percentages on cancer of the lung in smokers and non-smokers. He said that 100 out of every 100,000 of the population develop cancer of the lung each year.

### ATTEMPT TO ENTER REPORT ON TESTS

He admitted that the extent of his thoracic surgery is "not extensive," and said that he has seen less than 50 lung cancer patients in surgery and could not say how many were smokers.

In connection with the admissibility of the controversial unpublished tobacco company report which Belli and H. Alva Brumfield attempted to put into evidence, Judge Christenberry said that since it was a report of the Liggett and Myers Tobacco Company, one of the defendants, and if admitted would be "highly prejudicial" against the other defendant, the R. J. Reynolds Tobacco Company.

The plaintiff's attorneys claimed that the report deals with an experiment conducted by a private testing laboratory for Liggett and Myers which was intended to refute findings of tests made at New York's Sloan-Kettering Institute but which actually supported those tests.

The suit against the two tobacco companies was brought by Mrs. Victoria St. Pierre Lartigue who is asking \$150,000 for her husband's death.

1003543370

# Trio Heard in Cigarette Suit

No Causal Relationship  
Seen by Doctors

Three more witnesses called by tobacco companies Monday in defense of the cigarette-cancer case being tried in federal court testified that they see no causal relationship between smoking and lung cancer.

All three of the experts also told the court and jury that they believe that the increased incidence of lung cancer is due to a great extent to improved diagnosis and the increased human life span.

Those who testified Monday included Dr. Harry S. M. Green, professor of pathology at Yale university school of medicine; Dr. Douglas Sprunt, professor of pathology at the University of Tennessee; and Dr. William M. Tuttle, clinical professor of surgery at Wayne State university and a staff member at a number of Detroit hospitals.

Dr. Green testified, under cross-examination by Melvin M. Belli, an attorney for the plaintiff, that he smokes whenever he wants to and feels that smoking is an aid when he has a chest cold.

He said that when he has a chest cold he smokes and feels that it brings about "a productive cough" and relieves the pain in his chest.

After being read a medical history of Frank J. Lartigue, whose death from lung cancer in 1955 is at issue in the suit, Dr. Green said that he did not consider Lartigue's smoking a cause of his cancer, but testified that he was interested in the fact that the man had tuberculosis and influenza during his lifetime.

## SEES POSSIBLE ASSOCIATION

He said that an association has been established between the incidence of tuberculosis and influenza and the incidence of lung cancer.

Under direct examination by Frederick Haas, a tobacco company attorney, Dr. Green told the court that he could not say with medical certainty that smoking is "the" cause, "a" cause, a "probable" cause, or a "contributing" cause of lung cancer.

As a basis for his opinion, the witness denied that there has been any definite proof that there is an increase in the incidence of lung cancer. "We do not know what the incidence of lung cancer was 20 years ago. We did not know what lung cancer was. We do not have any good base line to determine if there has been any increase in the incidence," he asserted.

He explained that all hospi-

tals have chest clinics now and patients are subjected to X-rays and other examinations, "so if we have a lung cancer it is recognized now when in the past it went unrecognized or misdiagnosed."

Dr. Green added that there has been an increase in the population at the age level where lung cancer is most prevalent.

On cross examination he also said that he does not think that there is enough evidence in either cases of tuberculosis, influenza, or smoking to point the finger of guilt.

He again denied that there is evidence of an increase in the incidence of lung cancer and said that if there is it could be related to the 1918 influenza epidemic.

Asked by Belli if there is anything in the medical literature relating to studies of the relationship of tuberculosis or influenza to lung cancer, the witness answered that there is not.

## DENIES PREJUDICE AGAINST STATISTICS

Dr. Green denied having a prejudice against statistics and was asked by Belli if he had not testified before a committee of Congress "that you had as much use for statistics as you did for the Buddhist religion." The witness said, "I doubt if I said that."

The plaintiff's attorney then read from what was purported to be a transcript of the congressional hearing and quoted the doctor as saying "I am sorry to say, I have little faith in statistics. As a result of that study I have far less faith in statistics than I have in the tenets of the Buddhist religion."

Dr. Green said that if he finds a statistical relationship in medicine he then goes into the laboratory to verify it.

Belli brought out that Dr. Green had written a foreword for a book entitled "Science Looks at Smoking," and claimed that the book was distributed by a public relations firm representing the Liggett and Myers Tobacco Company, one of the defendants in the case.

Haas told the court that the firm was not employed by Liggett and Myers.

The second witness of the day was Dr. Sprunt. He testified that he has conducted studies to evaluate the present cancer tests and has been particularly active in the field of cancer of the cervix, which he said is essentially similar to cancer of the lung.

He said that he did not consider certain tissue changes as "pre-cancerous" changes because frequently these changes reverse themselves and the tis-

sues revert to normal. He said that the causes of these changes are not known.

Dr. Sprunt said that he has autopsied 4000 human lungs during the past five years in an effort to find tissue changes similar to those in the cervix. He said that he is also interested in the relationship of infectious diseases to cancer of the lung.

## DENIES LUNG CANCER, SMOKING LINKED

Dr. Sprunt also denied that Lartigue's cancer had any connection with his smoking of over two packages of cigarettes a day or that the data available links smoking and lung cancer.

He pointed to the improvement in the diagnosis of lung cancer and claimed that the statistical association of lung cancer and smoking may be a "happencstance."

Smokers who have lung cancer, he asserted, "also have other factors in their histories." He claimed that statistics also show an association with tuberculosis and that syphilis has been associated with cancer of the larynx. The causation of cancer is still unknown, he said.

Cross examined by H. Alva Brumfield, another attorney for the plaintiff, Dr. Sprunt claimed that the statistical association of smoking with lung cancer is "rather low." He said that the medical articles he has written and which have been published deal with cancer of the cervix. He said that he has done no experimental work in the field of cancer of the lung and none of his articles has been on that subject.

Dr. Tuttle, under direct examination by Theodore Kiendl, another defense attorney, as to his qualifications, said that he has written over 75 articles in scientific and medical journals and seen 6000 lung cancer patients in the past 10 years, 50 per cent of which were inoperable.

Questioned by Belli, he said that none of these articles were on the effects of smoking or tobacco tars.

He said that about 15 per cent of those patients he has seen with lung cancer were non-smokers.

## RATIO OF MALES WIDENING, CLAIM

Dr. Tuttle expressed the conviction that most lung cancer originates in the outer or peripheral portion of the lung and then spreads to the bronchial tubes.

He also claimed that the present ratio of 11 males who get lung cancer to one woman is widening and that more males are getting cancer and fewer females. In the group he operated on, he said, the female smokers were few.

Dr. Tuttle testified that he feels that "you can rub or paint a mouse with anything and it will get cancer." He made that statement after he was questioned by Kiendl about animal experimentation which has pro-

duced cancers in laboratory mice. These experiments, he said, cannot be extrapolated to humans.

He called animal experiments "greatly overdone." The doctor said: "They lather those mice every day with those tars and then they say 'see, here's the cancer.' That does not prove that the materials are carcinogenic to men."

Denying that Lartigue's cancer was due to smoking, he said: "There has been a great hullabaloo about smoking and cancer and nothing has been proved."

He claimed that when a person inhales cigarette smoke, the greatest concentration of tars is in the upper part of the respiratory area, so there should be a distinct rise in the incidence of cancer of the trachea. Actually, he asserted, he has seen only four such cases.

"They have gone about this thing in the wrong way. They have sort of put the cart before the horse and come up with the idea that cancer of the lung is caused by smoking, etc., etc.," he asserted.

The statisticians have started out to prove something, he charged.

Of those persons he has operated on for lung cancer, the doctor said, 75 per cent were over 65 years old.

Asked on cross examination by Belli if he had taken into account a statement made by the surgeon general of the United States regarding the relationship of lung cancer and smoking when he formed his opinions and when he termed the discussion about the relationship a "hullabaloo," the witness stated that the "hullabaloo" was raised before that statement was made.

Dr. Tuttle said that the surgeon general is not a clinician and that his report on the relationship was taken from an article "some boy worked up and he put his name on it."

Asked by Belli if he knew the name of the surgeon general, Dr. Tuttle replied "Berry, something like that."

The plaintiff's attorney stated for the record that the surgeon general's name is Burney.

With regard to the animal experiments, Dr. Tuttle claimed that mice are highly susceptible and "you can put almost anything on them and get cancer."

The suit, in its third week of trial, was brought by Mrs. Victoria S. Pierre Lartigue, whose husband died of cancer. She is suing Liggett and Myers and the R. J. Reynolds Tobacco Company for \$150,000.

THE TIMES-PICAYUNE  
New Orleans, Louisiana  
October 4, 1960

1003543371

TIMES-PICAYUNE

New Orleans, Louisiana

October 5, 1960

# Witness Tells of Lung Cancer

## Says Various Ills Could Cause Fatal Malady

The major witness who testified Tuesday in the cigarette-cancer case being tried in federal court said that the lung cancer which killed the man whose widow brought the suit could have been caused by a number of diseases which the plaintiff's husband had during his lifetime.

Dr. R. H. Rigdon, Galveston, Tex., a specialist in experimental pathology, said that Frank J. Lartigue "had many things connected with the changes which many people consider the cause of cancer."

He said that Lartigue's medical history showed that he suffered from influenza, tuberculosis, measles and syphilis. Influenza and tuberculosis produce inflammation of the lungs and these and the other two diseases have at times been connected to cancer formation.

The witness also said that the fact that Lartigue traveled over tarred and dirt roads during career as a salesman might have been a contributing factor. He cited a study made many years ago on this subject by a British researcher.

### DENIES RATIO NARROWS

Dr. Rigdon denied that the ratio of lung cancer in men and women is narrowing as women smoke cigarettes more. He testified that he studied this problem and has come to the conclusion that there is a tremendous variation in the ratio.

"My opinion is that before 1900, there was a ratio of three or four males with lung cancer to one female and in the years from 1950 to 1953 it was five or six males to one female. There has been a slight increase in the males but not a terrific change," he asserted. He said that he expects the gap to widen slightly in the years to come.

Witnesses who testified for the plaintiff testified that Lartigue's cancer was a "primary lung cancer," or one which originated in that organ. Dr. Rigdon said that the lung is a common place for a tumor to go from another part of the body and that in many cases they are erroneously diagnosed as "primary."

Regarding the alleged increase in the incidence of lung cancer, the pathologist said that he is suspicious that there really is no tremendous increase but that "we are seeing more cases and the population in the age bracket where lung cancer occurs is increasing." Most lung cancer is found in persons over 50, he said.

### TELLS OF EXPERIMENTS

The witness claimed that the rise in the incidence began long before cigarette smoking became popular and that "everytime a new technique comes out for the examination of the chest the incidence of lung cancer goes up."

He said that he did not consider smoking related to lung cancer and gave as one of his major reasons for the opinion that there has been no experimental evidence to show the production of lung cancer in any experimental animal.

He claimed that there is "more talk now about air pollution as a result of the Los Angeles smog."

Under cross-examination by Melvin M. Belli, an attorney for Mrs. Victoria St. Pierre Lartigue, the plaintiff in the case, Dr. Rigdon said that he has been conducting experiments with ducks at the University of Texas and that he has been unable to produce tumors in the ducks' tracheas by painting them with tobacco products.

### DENIES TOBACCO GRANTS

He denied that he is receiving grants from tobacco companies to make the experiments, but said that the university gets money for their laboratories.

The doctor also testified that

he did not consider statements made public by the American Cancer Society, the United States Public Health Service, and the British ministry of health on the relationship of smoking with lung cancer as "conclusive."

"Investigations have been made as early as 1900 as to the relationship of smoking and lung cancer but nobody got hot and bothered about it until about 1950," he asserted.

He was asked by Belli if he would change his opinion as to the possible causative effect of smog if he were shown a study of 8000 persons in Los Angeles who did not get lung cancer.

"And there is another study which shows different results. So, you pays your money and you takes your choice," Dr. Rigdon replied.

The only other witness called Tuesday was Dr. J. N. Ane, a radiologist and clinical professor of radiology at the Tulane university school of medicine.

Dr. Ane examined Lartigue's X-rays and pointed to the cancer from which he died as well as to several calcifications which he said indicated old inactive tuberculosis.

Two depositions taken by the defendants from witnesses prior to the trial were also read into

the record. They were the depositions of Dr. Charles W. Mayo of the Mayo Clinic, Rochester, Minn., and Dr. Norman Ende, the pathologist who performed the autopsy on Lartigue.

### DEPOSITIONS GIVEN

Dr. Mayo testified in his deposition that he does not feel that it has been established that smoking is the sole cause of lung cancer. He said that there are cases where it might be a contributing

cause.

Dr. Ende described the type of cancer from which Lartigue died and said in the deposition that it was classified in the autopsy report as a "squamous cell" cancer because that was the classification preferred by his superior at the Veterans Administration hospital in Houston, Tex., where Lartigue died.

He said that there was some evidence that it could have been designated as a "large cell undifferentiated" cancer. He said that he felt the cancer started in the lung but had no opinion as to whether or not it was caused by smoking.

The defendants who are being sued for \$150,000 by Mrs. Lartigue are the R. J. Reynolds Tobacco Company and the Liggett and Myers Tobacco Company.

1003543372



## RESEARCH HEAD EXPLAINS WORK

Says \$4 Million Spent  
in Tobacco Study

The scientific director of the Tobacco Research Industry Committee testified Wednesday that the committee has spent \$4,000,000 in the past six years on research and still feels that the causation of lung cancer is unknown.

Dr. Clarence Cook Little, Bar Harbor, Me., was called to the witness stand in federal court by defendant tobacco companies in the case in which a widow is claiming that the lung cancer from which her husband died was caused by his heavy cigarette smoking.

Dr. Little testified that he has been in cancer research all of his life and was formerly managing director of the American Cancer Society. He was named scientific director of TIRC in 1954 when it was formed, he said.

He described at length the work of the committee, which is supported by the tobacco industry and which makes grants for research to individual deserving scientists.

"We have had more freedom than any other such project with which I have ever been associated," he asserted. "The moment any pressure is put on we're through."

Under questioning by Theodore Kiendl, attorney for the R. J. Reynolds Tobacco Company, one of the defendants in the suit, Dr. Little said that the object of TIRC is to see what should be done in cancer and cardio-vascular work. He said that the industry exercises no control over the scientists receiving the grants in regard to what they publish or what their experiments consist of.

### VARIED SCIENTIFIC PROJECTS CITED

The witness testified that the work of the scientists who have

received grants has included such projects as growing human lung tissue outside of the human body, the effects of previous infections on lung cancer, the effects of nutrition and the relationship of malnutrition on lung cancer, the physiological and psychological aspects of lung cancer, and the reaction of humans to physical and mental strains and stresses.

"Our research will go on just the same even if it is found that tobacco has a detrimental effect on the health," he asserted.

Everything found so far, he added, confirms a statement made by TIRC at its formation. He said: "We felt that the definite causation of lung cancer was not known, with a combination of factors having a bearing on it. We still feel the problem is unsolved. The only change is a greater desire to find out."

On cross examination by Melvin M. Belli, one of the attorneys for the plaintiff, Mrs. Victoria St. Pierre Lartigue, whose husband, Frank J. Lartigue, died in 1955, the witness testified that the Liggett and Myers Tobacco Company, the other defendant in the case, does not belong to the research committee.

Asked if he feels that smoking has been absolved from suspicion as a cause of lung cancer, Dr. Little said that he feels the problem needs further study.

Belli asked him if he thought there might be a possible connection between smoking and lung cancer, the witness said that he did, but along with other substances.

The plaintiff's attorney asked Dr. Little if he had not, when he was with the American Cancer Society, advised against all types of irritation which might be a cause of cancer.

### SMOKE IN LUNGS IS DISCUSSED

Dr. Little said that he said at that time that it might be irritating if people continually filled their lungs with particles of tobacco smoke and that he expressed the view that it was difficult to see that these particles

would not be retained in the lungs.

He added that he now realizes that he should not have "ventured into clinical medicine because it has been proved not true."

Dr. Little said that his committee has done no research in an attempt to isolate carcinogenic agents from tobacco smoke because he is not convinced that there are any agents carcinogenic to humans in the smoke.

The only other witness who testified Wednesday was Dr. Charles E. Dunlap, head of the department of pathology at the Tulane university medical school.

He claimed that Charity hospital records show that the rate of lung cancer has remained about the same over the past five years.

Asked by Kiendl about previous testimony by a witness for the plaintiff that 90 per cent of inhaled cigarette smoke remains in the lungs, Dr. Dunlap said that this is not true. He claimed that the respiratory system is an effective "air-conditioning system" which removes about all of the suspended particles by the mucous material lining the trachea and the bronchi.

He said he had examined a microscopic slide of a piece of tissue from Lartigue's lung, and then showed on a screen a photograph of that slide and said that it revealed a cancer cell formation classified as "undifferentiated."

Attorneys for the plaintiff contend that Lartigue died of a "squamous cell" cancer which is commonly found in smokers.

### CELL STRUCTURE OF LUNG SANE

The witness also claimed that some of the cellular structure of Lartigue's cancer was of a type called "adino carcinoma."

He said that the cancer from which the plaintiff's husband died, in his opinion, was predominantly "undifferentiated," but contained elements of "adino" and "squamous cell" cancer.

Dr. Dunlap showed three other slides of tissues from the lungs of very young children who died of diseases other than cancer and contended that these tissues showed the same changes in cell structure which, it is alleged by the plaintiffs, take place in smokers.

He showed another slide of a tissue of the bronchi of a 45-year-old man who died of cancer of the pancreas who had smoked for 25 years and said that the tissue revealed normal cell structure and none of the changes attributed by witnesses for the plaintiff to smoking.

Dr. Dunlap said that he cannot say with scientific certainty that he knows the cause of cancer of any type. He said that Lartigue suffered from a variety of other diseases which could have contributed to the development of cancer of the lung.

On cross examination by H. Alva Brumfield, another attorney for the plaintiff, Dr. Dunlap testified that he has made no studies and has written no scientific papers on the causal relationship of smoking to lung cancer.

He testified that he had examined only one section of tissue from Lartigue's cancer and that often there will be variations in cell structure revealed in sections of tissue from different parts of a cancer.

He agreed with a statement by Brumfield that the pathologist who had examined the whole lung and slides made from various sections would be in a better position to diagnose the type of cancer.

1003543373

## DEFENSE RESTS IN \$150,000 SUIT

### Rebuttal Begins in Cigarette-Cancer Case

Tobacco company attorneys Thursday concluded the presentation of their defense in the cigarette-cancer case being tried before Federal Judge Herbert W. Christenberry.

Attorneys for Mrs. Victoria St. Pierre Lartigue, who claims that the cancer from which her husband, Frank J. Lartigue, died in 1955 was caused by his heavy smoking, called on rebuttal witness Thursday and indicated that they will continue with rebuttal when court resumes at 10 a. m. Friday.

Mrs. Lartigue is seeking damages of \$150,000 from the R. J. Reynolds Tobacco Company and the Liggett and Meyers Tobacco Company. Evidence brought out during the trial was to the effect that Lartigue died at the age of 65 after smoking since he was nine years old.

#### DIRECTOR QUESTIONED

Most of Thursday's session was taken up with a continuation of the cross examination of Dr. Clarence Cook Little, scientific director of the Tobacco Industry Research Committee, who was placed on the stand by the defendants Wednesday.

Dr. Little is a former managing director of the American Cancer Society. Under cross examination by Melvin Belli, an attorney for the plaintiff, he said

that he has not followed the work of the society since he left it.

When Belli made a reference to the witness' feelings about the "integrity" of the society, Dr. Little stated that he would rather not comment on its integrity and added that he did not think that "integrity" was the proper word to be used.

He said that when he left the society it was dominated by medical men but later it became controlled by lay officials.

#### \$4,000,000 FOR RESEARCH

Dr. Little repeated what he said Wednesday to the effect that he and all of the members of the research committee have open minds on the subject of any possible relationship between smoking and lung cancer but that every member of the committee feels that no relationship has been shown.

He testified that the TIRC, which has contributed over \$4,000,000 to research in the past five years, contributes to scientists who are not pledged to any particular point of view. The committee does not know the personal opinions of those who receive grants until the results of their research are published.

Dr. Little also told the court that grants are never given to individuals but to the scientific institutions with which they are connected.

#### "WILL NOT CRY WOLF"

"If we obtain proof of a relationship we will tell the industry. We will not cry wolf when we don't know there is any wolf there as yet," he asserted.

With reference to biological experiments, Dr. Little told the court that he feels they are completely "overused" in an effort to show a relationship.

Asked by Belli if they do not arouse suspicions, the witness said that they "make me interested. Interested enough to go on with research."

The only rebuttal witness called by the plaintiff's attorneys was Dr. Edgar H. Little, head of the department of radiology at the Ochsner clinic. He showed X-rays taken of Lartigue's lungs before he died and testified that he diagnosed the cancer as "primary" or as having originated in the lung.

1003543374

Stories on the verdict at New Orleans, announced late the afternoon of October 11, were carried by the wires of The Associated Press and United Press International and were noted in New York and other papers.

UNITED PRESS INTERNATIONAL - October 12, 1960

(Tobacco Suit)

New Orleans -- A 12-member Federal court jury yesterday cleared the Liggett and Myers and R. J. Reynolds tobacco companies of fault and liability in the \$150,000 damage suit brought by a widow who claimed her husband's death was caused by smoking.

The jury, after deliberating one hour and 40 minutes, decided against Mrs. Victoria St. Pierre Lartigue. It was composed of six men and six women, seven of whom were smokers.

Mrs. Lartigue charged that her husband, Frank J. Lartigue, died in 1955 of lung cancer caused by excessive smoking. He was 65.

THE NEW YORK TIMES  
New York, New York  
October 12, 1960

NEW YORK HERALD TRIBUNE  
New York, New York  
October 12, 1960

## LUNG CANCER SUIT FAILS

New Orleans Jury Refuses to Link Death to Cigarette

NEW ORLEANS, Oct. 11 (AP) -- A jury composed of seven smokers and five non-smokers returned a verdict in favor of two tobacco companies today in a \$150,000 damage suit contending that a 65-year-old man died of lung cancer caused by cigarettes.

The jury of six men and six women deliberated an hour and forty minutes before returning a verdict to Federal District Judge Herbert W. Christenberry. Mrs. Victoria St. Pierre Lartigue of Houston, Tex., sued the Liggett & Myers Tobacco Company, and the R. J. Reynolds Tobacco Company. H. Alva Berry, her attorney, said he would appeal the case.

The verdict followed three days of testimony and arguments. Judge Christenberry gave the jury a choice of three verdicts: in favor of the plaintiff, against one of the tobacco companies or against both.

## Jury Rejects Lung Cancer Death Claim

Tobacco Firms Win In Suit for \$150,000

NEW ORLEANS, Oct. 11 (AP) -- A twelve-member jury, composed of smokers and non-smokers, returned a verdict in favor of two major tobacco companies today in a \$150,000 damage suit contending a sixty-five-year-old man died of lung cancer because of cigarettes. The jury—six men and six women—deliberated one hour and forty minutes before returning its verdict to Federal Judge Herbert W. Christenberry.

Mrs. Victoria St. Pierre Lartigue brought the suit against one of the tobacco companies or against both the Liggett and Myers Tobacco Company and the R. J. Reynolds of the companies. He said all five jurors had to agree on the verdict. She claimed her husband died of lung cancer.

in 1955 and contended cigarette smoking was responsible for his affliction.

### Appeal Planned

Attorney H. Alva Brumfield, who represented Mrs. Lartigue, said he would appeal as soon as Judge Christenberry signs the judgment.

The jury's judgment ended three weeks of testimony and arguments. Judge Christenberry gave the jury—seven smokers and five non-smokers—a choice of three verdicts: one in favor of the plaintiff,

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1003543375

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October 12, 1960

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Mrs. Victoria St. Pierre Lartigue brought the suit against the Liggett and Myers Tobacco Co. and the R. J. Reynolds Tobacco Co. She claimed her husband died of lung cancer

in 1955 and contended cigarette smoking was responsible for his affliction.

### Appeal Planned

Attorney H. Alva Brumfield, who represented Mrs. Lartigue, said he would appeal as soon as Judge Christenberry signs the judgment.

The jury's judgment ended three weeks of testimony and arguments. Judge Christenberry gave the jury—seven smokers and five non-smokers—a choice of three verdicts—one in favor of the plaintiff, one against either one of the tobacco firms or against both of the companies. He said all twelve jurors had to agree on the verdict.

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and were noted in New York and other papers.

UNIVERSITY MICROFILMS

THE WALL STREET JOURNAL

October 12, 1960

## Federal Jury Clears Two Cigaret Companies In \$150,000 Cancer Suit

By a WALL STREET JOURNAL Staff Reporter

NEW ORLEANS—A jury in Federal District Court composed of seven smokers and five non-smokers ruled in favor of two major tobacco companies in a \$150,000 cigaret cancer suit. The jury deliberated 1 hour and 40 minutes.

It cleared the Liggett & Myers Tobacco Co. and the R. J. Reynolds Tobacco Co. of responsibility in a suit brought by Mrs. Victoria St. Pierre Lartigue. Mrs. Lartigue asserted that her husband, Frank J. Lartigue, died in 1955 at 65 years of age of cancer caused by excessive cigaret smoking.

Mrs. Lartigue's attorney, H. Alva Brumfield, argued that Lartigue had smoked heavily since he was nine years old and that he brought on his own death by the use of products they (tobacco companies) held out to be pure and safe.

The defense argued the claims were "extravagant and exaggerated."

During the four-week trial the defense brought out that Mr. Lartigue had suffered from a number of ailments which could have contributed to his contracting lung cancer. Both sides brought in experts to testify.

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A speech by Dr. Clarence C. Little, scientific director of the Tobacco Industry Research Committee in Nashville, September 27, was noted by the wire services and carried by newspapers in a number of major cities. The Associated Press story appears below.

NEW YORK JOURNAL-AMERICAN  
New York, New York  
September 27, 1960

## INDUSTRY STATEMENT

# Deny Cancer, Smoking Link

Special to the N. Y. Journal-American

NASHVILLE, Tenn., Sept. 27—Tests in the scientific laboratory have failed to prove that smoking causes lung cancer, Dr. Clarence Cook Little, scientific director of the Tobacco Industry Research Committee, declared today.

"Hundreds of studies indicate many factors are involved in the complex chain that may result in lung cancer," he told the annual meeting of the Burley & Dark Leaf Tobacco Export Association.

### STUDY OTHER CAUSES

Much of the rise in the ailment, he said, is due to a larger population, especially of older people; better diagnosis and more accurate reporting of the cause of death.

"The vast majority of smokers never get lung cancer, while many non-smokers do get it," he said.

Other possible causes he said are now being studied, including air pollution, virus,

hormones, infective lung damage, poor nutrition, occupational hazards and fumes from motor fuels.

"Chemical tests have not found any substance in tobacco smoke known to cause human cancer," he said. And there is no evidence that smoking causes heart disease.

"We know that smoking may have some physiological effects, such as giving a slight 'lift.' Science is finding that some of these effects may indeed be beneficial."

Dr. Little reported the industry in the past six years has made \$4,000,000 available for research into the subject, and has made grants to more than 100 scientists.

THE WASHINGTON STAR  
Washington, D.C.  
September 28, 1960

## Tobacco Industry Doctor Discounts Cancer Charges

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Dr. Little is scientific director of the Tobacco Industry Research Committee which, he said, has granted more than \$4 million to researchers studying tobacco and health questions.

Charges that smoking causes lung cancer "have not been proved in the scientific laboratory," the scientist said in an address prepared for the annual meeting of the Burley & Dark Leaf Tobacco Export Association.

"Chemical tests have not found any substance in tobacco smoke in concentrations sufficient to account for cancer in man—or to account for reports of cancer in animals," he said.

Attempts to produce lung cancer in animals by having them inhale tobacco smoke have failed consistently, he added.

He said there is "no evidence that smoking causes heart disease."

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Little cited studies which showed that most smokers never get lung cancer while many non-

smokers get it. He said this has brought research into other possible causes of the disease such as air pollution, viruses, hormones, infective lung damage, poor nutrition, and occupational hazards by exposure to fuel fumes.

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In his speech he listed some facts brought to light through recent research into smoking and health:

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The rise in reported lung cancer, according to Dr. Little, can be attributed to such factors as a larger population, better methods for diagnosing the disease and more accurate reporting of death causes.

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An additional \$300,000 has been authorized for this year, bringing to \$4 million the total research appropriation, the Tobacco Industry Research Committee said yesterday.

The industry contends there is no proof of any connection between cigarette smoking and lung cancer.

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The United Press International wires also carried the story.

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The extra funds were requested in addition to the \$500,000 allocated this year by Dr. Clarence Cook Little, scientific director of the committee. "Research keeps opening up new areas that need further study," he said. "We plan to add certain lines of research and expand others."

Dr. Little said some of the major new research areas the committee would examine were the possible role of viruses in cancer, previous lung damage, constitutional differences among smokers and non-smokers and air pollution.

THE NEW YORK TIMES  
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Tobacco Industry Unit Backs  
New Areas of Investigation

The Tobacco Industry Research Committee announced yesterday that it was increasing its financial aid to medical research because new areas of investigation pertaining to cancer had been opened up.

Timothy V. Hartnett, chairman of the committee, said that the areas warranting intensified study included viruses, air pollution, constitutional differences between smokers and non-smokers and the existence of previous lung damage in cancer cases.

The committee's regular research appropriation of \$500,000 for 1960 has been increased by \$300,000, Mr. Hartnett stated.

The committee declared that recent research tended to raise doubts about, rather than support the contention that smoking was a major causative factor in lung cancer.

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## Tobacco Men Widen Cancer Research Aid

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Timothy V. Hartnett, chairman of the tobacco industry-supported committee, said the funds would be used to broaden the scope of the committee's grants-in-aid program to include new areas of research into possible causes of cancer. Viruses, previous lung damage, constitutional differences between smokers and non-smokers and air pollution will be the areas investigated.

### Other Origins

Dr. Clarence Cook Little, scientific director of the committee, said he had requested the funds because "intensive research efforts in the last few years have opened many doors of knowledge in the search for

the origins of lung cancer and heart disease. It has become increasingly evident that concentration on a single factor, such as smoking, will not produce the answer to these exceedingly complex problems."

Dr. Little added, "Charges against smoking have been put through extensive research and have not been proved in the scientific laboratory. The results of recent research tend to raise doubts about, rather than support, the claims that smoking is a major causative factor in lung cancer."

### Identifies Factors

He said "many factors in a complex chain" may "result in lung cancer." He identified "a few" as "air pollution, viruses, lung damage, poor nutrition, constitutional makeup, exposure to occupational hazards and fumes from motor fuels."

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ASSOCIATED PRESS -- October 11, 1960

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New York -- The tobacco industry has increased its financial support of private research into possible causes of lung cancer.

An additional \$300,000 has been authorized for this year, bringing to \$4 million the total research appropriation, the Tobacco Industry Research Committee said yesterday.

The industry contends there is no proof of any connection between cigarette smoking and lung cancer.

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The United Press International wires also carried the story.

WORLD-TELEGRAM & SUN  
New York, New York  
October 11, 1960

## Tobacco Industry Hikes Cancer Fund

The Tobacco Industry Research Committee reported today it has authorized an additional \$300,000 for cancer research this year.

The extra funds were requested in addition to the \$500,000 allocated this year by Dr. Clarence Cook Little, scientific director of the committee. "Research keeps opening up new areas that need further study," he said. "We plan to add certain lines of research and expand others."

Dr. Little said some of the major new research areas the committee would examine were the possible role of viruses in cancer, previous lung damage, constitutional differences among smokers and non-smokers and air pollution.

THE NEW YORK TIMES  
New York, New York  
October 11, 1960

## CANCER CLUES PUSHED

Tobacco Industry Unit Backs  
New Areas of Investigation

The Tobacco Industry Research Committee announced yesterday that it was increasing its financial aid to medical research because new areas of investigation pertaining to cancer had been opened up.

Timothy V. Hartnett, chairman of the committee, said that the areas warranting intensified study included viruses, air pollution, constitutional differences between smokers and non-smokers and the existence of previous lung damage in cancer cases.

The committee's regular research appropriation of \$500,000 for 1960 has been increased by \$300,000, Mr. Hartnett stated.

The committee declared that recent research tended to raise doubts about, rather than support the contention that smoking was a major causative factor in lung cancer.

NEW YORK HERALD TRIBUNE  
New York, New York  
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## Tobacco Men Widen Cancer Research Aid

The Tobacco Industry Research Committee announced yesterday it had appropriated \$300,000 in additional funds for its 1960 cancer research program. It had previously granted \$500,000 for support of independent health research programs.

Timothy V. Hartnett, chairman of the tobacco industry-supported committee, said the funds would be used to broaden the scope of the committee's grants-in-aid program to include new areas of research into possible causes of cancer. Viruses, previous lung damage, constitutional differences between smokers and non-smokers and air pollution will be the areas investigated.

### Other Origins

Dr. Clarence Cook Little, scientific director of the committee, said he had requested the funds because "intensive research efforts in the last few years have opened many doors of knowledge in the search for

the origins of lung cancer and heart disease. It has become increasingly evident that concentration on a single factor, such as smoking, will not produce the answer to these exceedingly complex problems."

Dr. Little added, "Charges against smoking have been put through extensive research and have not been proved in the scientific laboratory. The results of recent research tend to raise doubts about, rather than support, the claims that smoking is a major causative factor in lung cancer."

### Identifies Factors

He said "many factors in a complex chain" may "result in lung cancer." He identified "a few" as "air pollution, viruses, lung damage, poor nutrition, constitutional makeup, exposure to occupational hazards and fumes from motor fuels."

The T. I. R. C. has granted \$4,000,000 since its formation in 1954 to cancer research projects.

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Memphis, Tennessee  
March 22, 1960

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**DISPATCH**

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WINSTON-SALEM JOURNAL  
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MIRROR NEWS  
Los Angeles, California  
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NEW YORK POST  
New York, New York  
August 31, 1960

## Mayos Doubt Lung Cancer, Smoking Link

ROCHESTER, Minn., Aug. 31 (AP) — A Mayo Clinic report belittles the role of tobacco smoking as a cause of lung cancer, but it indicates tobacco may be a contributing cause in some other diseases.

"In my own opinion, all available relevant facts considered, it seems very doubtful smoking causes cancer of the lung," wrote Dr. Joseph Berkson of the biometry and medical statistics section.

Dr. Berkson said there is association between smoking and all causes of death generally, of which cancer of the lung is only a small part.

The Mayo report by several researchers at the famed clinic is called "physiologic and pathologic aspects of smoking."

"It would seem reasonable for the ulcer patient to avoid smoking," concluded Dr. J. Arnold Bergen in a discussion of its effects on the digestive tract. And excessive smoking was cited in another section as contributing to amblyopia, or dimness of vision.

As for effects of smoking on the larynx and mouth, Dr. Kenneth D. Devine reported: "It has been found to be an important factor in the development of cancer of the oral cavity. Cigar and pipe smoking were found to increase the risk of cancer of the oral cavity more than cigaret smoking did."

LOS ANGELES TIMES  
Los Angeles, California  
September 1, 1960

## Smoking-Cancer Link Doubted by Doctor

Rising Incidence May Be Due to Longer  
Life Expectancy, Physician Suggests

ROCHESTER, Minn., Aug. 31 (UPI)—Dr. Joseph Berkson of the Mayo Clinic says he doubts cigarette smoking causes lung cancer.

Berkson suggested the rising incidence of cancer of the lung might be attributed to the ever lengthening life expectancy.

"Cigarette smoking as a cause of lung cancer is questionable," Berkson said. "There is some association between smoking and all causes of death, and cancer of the lung is only a small cause of death."

"Available relevant facts considered, it seems, in my opinion, very doubtful smoking causes cancer of the lung."

### Pipes Absolved

Berkson said studies have just about absolved cigar and pipe smoking as cancer-causing agents.

He said he smokes pipes and cigars but joked that "I may have to go back to smoking cigarettes to prove I don't believe in those statistics (linking cigarettes and cancer)."

Referring to deaths caused by tuberculosis, Berkson said a significant proportion of those who would have died from tuberculosis in early life now die of cancer of the lung.

"Are not the increased deaths from cancer of the lung, at least in part, in compensation of these decreased deaths?" he asked.

### Opinions Presented

Berkson's opinions and those of several other Mayo Clinic staff members were presented at a recent symposium on smoking and health.

Their papers played down smoking as a lung cancer cause but pointed to tobacco as a possible cause in other diseases.

Dr. Edgar A. Hines Jr. said the use of tobacco has no apparent effect on blood pressure. But, he said, "numerous well-controlled studies show inhaling tobacco smoke in other ways causes a marked decrease in the flow of blood into the extremities."

### Ulcer Cases

Dr. Kenneth D. Devine said smoking may be a cause in developing cancer of the mouth.

"Cigar and pipe smoking was found to increase the risk of cancer of the oral cavity more than cigarette smoking did," he said.

Other papers told of smoking hindering the healing of ulcers, causing cancer of the throat and having effect on certain diseases.

U.S. NEWS & WORLD REPORT  
September 12, 1960

FRONT PAGE  
OF THE WEEK

CONTINUED

## CANCER AND SMOKING— MAYO DOCTOR'S VIEWS

ROCHESTER, Minn.—The Mayo Clinic's top authority on medical statistics says he doesn't believe in the statistics linking cigarettes and lung cancer.

In fact, says Dr. Joseph Berkson, director of biometrics and medical statistics at the Clinic, it is "very doubtful" that smoking causes cancer of the lung.

Dr. Berkson said that the rising incidence of lung cancer might be linked to the lengthening life expectancy of Americans. With tuberculosis on the decrease, he suggested, many of those who once would have died of tuberculosis early in life now die late in life of lung cancer.

THIS YEAR, THE  
SEAWAY IS CRACKING

CLEVELAND PRESS  
Cleveland, Ohio  
September 1, 1960

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U.S. NEWS & WORLD REPORT  
September 12, 1960

FRONT PAGE  
OF THE WEEK

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Dr. Berkson said there is association between smoking and all causes of death generally, of which cancer of the lung is only a small part.

The Mayo report by several researchers at the famed clinic is called "physiologic and pathologic aspects of smoking."

"It would seem reasonable for the ulcer patient to avoid smoking," concluded Dr. J. Arnold Bergen in a discussion of its effects on the digestive tract. And excessive smoking was cited in another section as contributing to amblyopia, or dimness of vision.

As for effects of smoking on the larynx and mouth, Dr. Kenneth D. Devine reported: "It has been found to be an important factor in the development of cancer of the oral cavity. Cigar and pipe smoking were found to increase the risk of cancer of the oral cavity more than cigaret smoking did."

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United Press International carried the Berkson report to client newspapers and also asked the American Medical Association for comment. The query drew a repetition of the AMA's "neutral" position in the controversy, carried as an "add" to the wire story.

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Columnist and telecaster Walter Winchell referred to the Berkson statement in the first of a new series of network broadcasts, October 2.

RADIO TV REPORTS, INC.

The Walter Winchell Show

WABC-TV & ABC  
Television Network

October 2, 1960 10:30 PM

New York

MAYO AUTHORITY DOUBTS SMOKING-LUNG CANCER LINK

THE TELEVISION SCREEN SHOWED WALTER  
WINCHELL SEATED AT A DESK.

WINCHELL: Rochester, Minnesota: -- here is good news for smokers and the cigarette companies.

"The top authority on medical statistics at Mayo Clinic is Dr. Joseph Berkson. He is quoted as stating that he does not believe in the figures linking cigarettes and lung cancer.

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THE WASHINGTON DAILY NEWS  
Washington, D.C.  
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20,000 PEOPLE A YEAR

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By JOHN TROAN  
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Besides, he said, many folks seem to subscribe to "the theory that it is a Constitutional right to choose one's poison."

As a result, he complained, the Government can do more "to protect the population" from chemically-contaminated cranberries—whose "dangers for man are at most theoretical"—than from the hazards of tobacco.

Dr. Shimkin spoke here at the opening of the three-day National Cancer Conference, a "summit meeting" of cancer researchers held every four years. About 2000 scientists are to attend.

In his keynote address, he challenged repeatedly assertions by Dr. Joseph Berkson, a prominent statistician at nearby Mayo Clinic, that no-

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Dr. Shimkin insisted that:

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Concluded Dr. Shimkin:

"It all adds up to this—if tobacco smoking, at least in the form of cigarettes, were terminated, the annual mortality from lung cancer could be reduced by more than 60 per cent, a saving of at least 20,000 lives in the U. S. alone."

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1003543384A  
KNOXVILLE NEWS-SENTINEL  
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The proposal was made by Dr. Michael Shimkin of the National Cancer Institute before the 4th National Cancer Conference in Minneapolis.

Ragland said Dr. Shimkin "ignores the sizable and growing research evidence that does not support his position" that lung cancer is associated with cigarette smoking.

BIRMINGHAM POST-HERALD  
Birmingham, Alabama  
September 15, 1960

## Tobacco Men Give Challenge

By Scripps-Howard Newspapers

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PARIS BEACON-NEWS  
Paris, Illinois  
September 15, 1960

## Tobacco-Cancer Issue Flares Again With New Charges

United Press International

MINNEAPOLIS — A medical expert Tuesday blamed 60 per cent of lung cancer deaths on cigarette smoking and the tobacco industry promptly blamed "anti-tobacco zealots" with overlooking evidence to the contrary.

Dr. Michael B. Shimkin, chief of biometry at the Bethesda, Md., National Cancer Institute, told a national cancer conference at the University of Minnesota that a halt to all smoking would annually save 20,000 lives lost to lung cancer.

Timothy V. Hartnett, chairman of the Tobacco Industry Research Committee, said in New York, however, that "It is unfortunate that the conference sponsors virtually limited the discussion of this subject to a few individuals who are historically committed to extreme anti-tobacco views."

He added that "New scientific evidence . . . throws doubt on charges against smoking."

Dr. Shimkin told some 2,000 scientists and physicians at the conference it was "established fact" that smoking causes a "significant proportion" of cancer in the lungs, larynx and oral cavity.

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1003543384 B

# Scientist Sees 5 Keys To Cancer Cause, Cure

By ALTON BLAKESLEE  
Associated Press Science Writer

MINNEAPOLIS, Sept. 14.—Our ways of life hold keys to saving many thousands of humans from cancer, a prominent scientist predicts.

Cancer tolls might well be cut 10 to 15 per cent within 10 years by finding these keys, says Dr. John R. Heller, president of Memorial-Sloan Kettering Cancer Center, New York.

Dr. Heller listed five major fields for study of possible cancer causing agents in the American environment:

Unnecessary exposure to radiation, smoking, air pollution, some of the chemicals added to foodstuffs, and some chemicals handled in industry and manufacturing.

It is generally considered that only 1 per cent of cancers can be blamed on environmental causes, he said in an interview at the fourth National Cancer Conference sponsored by the National Cancer Institute and American Cancer Society.

But, admitting it could be "a wild guess," Dr. Heller said he thinks perhaps 15 to 20 per cent of cancers might be traced to agents in our environment.

Dr. Heller, former head of the National Cancer Institute at Bethesda, Md., foresees big gains from research to find and then eliminate such causes, or finding ways of protecting humans against them.

Such research is admittedly difficult, he said.

Vaccines against cancer do not appear right now to be just around the corner, he said, but he has hopes they may be found. Vaccines depend on finding specific causes, such as viruses, which can be used to stimulate protective antibodies.

Dr. Heller said that within his own lifetime there could come one to three drugs which bring about permanent arrest of some few kinds of human cancers.

The problem of determining whether chemicals added to foodstuffs carry risk of

causing cancer poses "a genuine dilemma," he added. This is particularly true for chemicals which produce cancers only occasionally in some species of animals, and under certain conditions.

The controversy over effects of smoking on cancer susceptibility was raised again in the conference keynote speech by Dr. Michael B. Shimkin, chief of biometry for the National Cancer Institute.

If Americans were to quit smoking tobacco, at least in cigarette form, the mortality from lung cancer could be reduced by 20,000 lives a year, Dr. Shimkin told the conference of 2,000 doctors and scientists.

A spokesman for the tobacco industry quickly countered that Dr. Shimkin had made similar charges before—"even though other scientists in the National Cancer Institute disagree with him."

Edward F. Ragland of Washington, vice president of the Tobacco Institute, added that Dr. Shimkin ignores the "sizeable and growing research evidence that does not support his position."

THE EVENING STAR  
Washington, D.C.  
September 14, 1960

## Big Strides in Cancer Research Foreseen

By PETER VANDERPOEL  
Staff Writer

If you contract cancer, your chances of living are one in three today — but they could be one in two.



Dr. Heller  
ident of Sloan-Kettering Memorial Cancer center, New York, said at the University of Minnesota today.

Dr. John R. Heller, for 12 years director of the National Cancer Institute, thinks this country will see "awfully exciting work in cancer during the next decade."

Much of this progress he expects to be in the environmental area — detecting and eliminating cancer causes in an individual's surroundings.

Like many other speakers and experts attending a three-day National Cancer conference at the university, Dr. Heller hails research advances on many fronts, but tempers optimism with caution.

He thinks the rate of cure in cancer — reported four years ago to have advanced from 25 to 33 per cent — is "perhaps creeping up, in small fractions," toward the 50 per cent goal.

"Assuming reasonable progress," Dr. Heller makes an informed guess that the country will decrease its cancer cases 10 to 20 per cent in the next decade by reducing environmental causes of cancer.

And "if a researcher stumbles onto, for example, a virus as a cause of a common cancer such as leukemia, we would perhaps do better than 20 per cent," Dr. Heller ventures.

Eliminating environmental causes of cancer — industrial pollution, smoking, radiation and food additives and preservatives, for example — is attacking the disease before it begins, or preventive medicine.

On another front — treating cancer once its contracted — Dr. Heller expects drugs to play a big part.

"In my lifetime, one, two or three chemical agents — singly, in combination or with X-rays — will be major factors in bringing about permanent remission of certain cancers," he predicts.

But, he adds, remission is not curing, but arresting disease, and drugs seem to be effective

ST. PAUL DISPATCH  
St. Paul, Minnesota  
September 14, 1960

against only certain kinds of cancer.

Dr. Heller emphasizes that doctors need to know much more about cancer and its life history. "We just don't know what happens if we let it alone."

The nation can use much more money for cancer research, he said. "We've been 'tooling up' for quite some time, and we can use increasing money in a legitimate, orderly fashion better than we could five years ago."

At every turn, Dr. Heller says, researchers find that "we need much more information."

1003543385 A

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The pamphlet, "Tobacco and the Health of a Nation", continued to get press attention. In addition to news stories and columns, an editorial distributed by U. S. Press Association appeared in a number of papers. A couple of examples are given. Fourteen other newspapers were observed to have used the editorial.

REPUBLICAN  
Millville, New Jersey  
July 22, 1960

THE DAILY NEWS  
Anchorage Alaska  
August 3, 1960

## Along The Avenue with Dave Gifford

For several years the tobacco industry has been the "whipping boy" for those who choose to attack the habit and try to link tobacco usage to lung cancer and heart disease. . . . Like millions of others, we have read the pros and cons regarding this situation and, frankly, we are still unable to decide which faction is right.

In this connection a pamphlet titled "Tobacco and the Health of a Nation" has reached our desk. . . . It is published by the Tobacco Institute, Inc., 910 Seventeenth St., N.W., Washington 6, D.C.

Naturally, this pamphlet disputes the real connection between tobacco and lung cancer and heart disease. . . . And, since there are so many anxious to take pot shots at tobacco, we felt it only fair to present a few of the arguments in this pamphlet.

For example, the pamphlet states: "Millions of dollars have been spent in the past few years in research on lung cancer. The answer still is not known, any more than it is

known about other types of cancer.

"Tobacco has been publicized as one suspect factor but —

"People who never smoke get lung cancer.

"Most smokers never get lung cancer.

"These two facts are often cited to show that the problem of lung cancer is much more complex than the opponents of cigarettes try to make it. Smoking got publicity because some statistical reports showed that the use of cigarettes increased about the time of an increase in recorded lung cancer deaths."

The pamphlet also points out that:

Medical advances in the past half-century have helped to cut death rates from lung ailments about one-seventh of what they were in 1900.

That the reported age-adjusted death rates from major cardiovascular-renal diseases have been declining since 1928.

That the Tobacco Industry Research Committee has provided \$3,700,000 for independent scientific research into such problems as cancer and heart disease with the sole objective of getting the facts. Grants are made to research scientists who independently conduct their work and publish their findings.

That most Americans are living longer than they used to.

In conclusion the pamphlet states:

"Let us be perfectly sure of what we call established causal factors, and let us be honest in our evaluation of what we advocate — of the soundness and value of evidence — before we attempt to convince the public of any proven guilt or lack of guilt in any widespread human usage or custom, whether tobacco use or something else."

## Some Facts of Life About Tobacco Cancer

A breath of fresh air—in the form of a pamphlet entitled "Tobacco and the Health of a Nation"—has penetrated the miasma created by our reformers who do not intend to rest until they have reduced man to a well-behaved mollusk—secure in his protective shell of inhibitions against all adventures and satisfactions.

This reassuring little six-page leaflet notes that more Americans are living longer, with greater life expectancy for every age group. Within this century, it points out, the average length of life in the US has been extended from 47 to nearly 70 years!

Death rates from major lung ailments (including lung cancer) were 700 percent higher in 1900 than they are today, having dropped from 430 deaths per 100,000 to 60. Age-adjusted death rates for major heart diseases (allowing for more people living into older age-brackets) have declined from over 500 per 100,000 in 1928 to just over 400 per 100,000 today—lower than at any other period in this century.

Today's young men are taller and heavier than their fathers and grandfathers. The physical measurements of freshmen recorded at annual enrollments by one major university have gone up more than two inches in height and over 2 pounds in weight since the turn of the century. And certainly no one needs statistical studies to realize that the girls are prettier than ever.

Tribute for this progress, says Edward F. Ragland, vice president of The Tobacco Institute, "should certainly go to the medical profession and the drug industry as well as to our high standards of nutrition." As for the extreme charges that have been made against tobacco ever since the peoples of the world first began enjoying it, he observed: "Those who attack cigarettes by blaming them for all kinds of health problems seem to overlook the fact that these health improvements have also occurred during the same period that cigarette use was increasing."

But, Mr. Ragland suspects, "Those who are against tobacco will probably continue to try to scare the life out of those who like to use tobacco—regardless of the facts."

This, we think, is for sure. The world being what it is, we are not likely to find vegetarians endorsing beefsteaks, nudists excited over the fall fabrics or hear any general chorus of assorted misanthropes in a spirited rendition of "Oh What a Beautiful Morning!" But living is still the best thing to do with a life that we know of.

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1003543386A

THE PROGRESS-REGISTER  
Minneapolis, Minnesota  
August 13, 1960

THE NEWS AND COURIER  
Charleston, South Carolina  
August 7, 1960

## Booklet Examines 'Health Scares'

WASHINGTON (Special) — The Tobacco Institute, Inc., cites official figures on the improving health and longevity of the American peoples as a challenge to "health scares" attacking the use of tobacco.

A pamphlet entitled "Tobacco and the Health of a Nation" notes that ever since tobacco began to be enjoyed by people throughout the world, its opponents have always attempted to make extreme charges against its use.

In announcing publication of the pamphlet, Edward F. Ragland, vice president of The Tobacco Institute, said, "This leaflet gives facts and figures from U. S. Government and other sources showing the tremendous advances made in the health of our people since the beginning of this century. Tribute should certainly go to the medical profession and the drug industry, as well as to our high standard of nutrition, for helping to give us a longer, healthier life."

"Those who attack cigarettes by blaming them for all kinds of health problems seem to overlook the fact that these health improvements have also occurred during the same period that the cigarette was constantly gaining widespread favor as the most popular form of tobacco use."

Major points shown in the leaflet are:

1. More Americans are living longer today than ever before, with life expectancy higher for every age group. The average length of life in the U. S. has risen from about 47 years to nearly 70 years in this century.

2. Death rates from major lung ailments in 1900 were 700 per cent higher than they are today, with lung cancer included. These rates have dropped from about 430 deaths per 100,000 in 1900 to around 60 per 100,000 today.

3. Since 1928, age-adjusted death rates for major heart diseases, which allow for more people living into older age brackets, have declined from over 500 per 100,000 population to slightly over 400 per 100,000 today, and now are lower than at any other period in this century.

4. The average height and weight of young men have shown a steady increase since 1900. The physical measurements of fresh-

men recorded at annual enrollments by one major university have gone up more than two inches in height and more than 20 pounds in weight since the turn of the century.

"Those who are against tobacco will probably continue to try to scare the life out of those who like to use tobacco — regardless of the facts," Mr. Ragland added.

The pocket-sized six-page folder is being distributed by The Tobacco Institute, Inc., 910 Seventeenth St., N. W., Washington 6, D. C. The institute is an organization of manufacturers of cigarettes, smoking tobacco, chewing tobacco and snuff.

### Put This In Your Pipe

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## CHRONICLE

DeKalb, Illinois  
August 27, 1960

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## DISPATCH

Henderson, North Carolina  
August 31, 1960

# Tobacco Institute Offers Evidence On Health Gains

WASHINGTON — The Tobacco Institute, Inc., has cited official figures on the improving health and longevity of the American people as a challenge to "health scares" attacking the use of tobacco.

A pamphlet entitled "Tobacco and the Health of a Nation" notes that ever since tobacco began to be enjoyed by people throughout the world, its opponents have always attempted to make extreme charges against its use.

In announcing publication of the pamphlet, Edward F. Ragland, vice president of the Tobacco Institute, said, "This leaflet gives facts and figures from U. S. Government and other sources showing the tremendous advances made in the health of our people since the beginning of this century. Tribute should certainly go to the medical profession and the drug industry, as well as to our high standards of nutrition, for helping to give us a longer, healthier life.

"Those who attack cigarettes by blaming them for all kinds of health problems seem to overlook the fact that these health improve-

ments have also occurred during the same period that the cigarette was constantly gaining widespread favor as the most popular form of tobacco use."

1. More Americans are living longer today than ever before, with life expectancy higher for every age group. The average length of life in the U. S. has risen from about 47 years to nearly 70 years in this century.

2. Death rates from major lung ailments in 1900 were 700 percent higher than they are today, with lung cancer included. These rates have dropped from about 430 deaths per 100,000 in 1900 to around 60 per 100,000 today.

3. Since 1928, age-adjusted death rates for major heart diseases, which allow for more people living into older age brackets, have declined from over 500 per 100,000 population to slightly over 400 per 100,000 today, and now are lower than at any other period in this century.

4. The average height and weight of young men have shown a steady increase since 1900. The physical measurements of freshmen recorded at annual enrollments by one major university have gone up more than two inches in height and more than 20 pounds in weight since the turn of the century.

"Those who are against tobacco will probably continue to try to scare the life out of those who like to use tobacco — regardless of the facts," Mr. Ragland added.

The pocket-sized, six-page folder is being distributed by The Tobacco Institute, Inc., 910 Seventeenth Street, N. W., Washington 6, D. C. The Institute is an organization of manufacturers of cigarettes, smoking tobacco, chewing tobacco and snuff.

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But, Mr. Ragland suspects, "Those who are against tobacco will probably continue to try to scare the life out of those who like to use tobacco — regardless of the facts."

This, we think, is for sure. The world being what it is, we are not likely to find vegetarians endorsing beef steaks, nudists excited over the fall fabrics or hear any general chorus of assorted misanthropes in a spirited rendition of "Oh What a Beautiful Morning"! But living is still the best thing to do with a life that we know of.

## CHRONICLE

DeKalb, Illinois  
August 27, 1960

### PUT THIS IN YOUR PIPE...

A breath of fresh air — in the form of a pamphlet entitled "Tobacco and the Health of a Nation" — has penetrated the miasma created by our reformers who do not intend to rest until they have reduced man to a well-behaved mollusk — secure in his protective shell of inhibitions against all adventures and satisfactions.

This reassuring little six-page leaflet by The Tobacco Institute, Inc., notes that more Americans are living longer, with greater life expectancy for every age group. Within this century, it points out, the average length of life in the U. S. has been extended from 47 to nearly 70 years!

Death rates from major lung ailments (including lung cancer) were 700 per cent higher in 1900 than they are today, having dropped from 430 deaths per 100 to 60. Age-adjusted death rates for major heart diseases (allowing for more people living into older age-brackets) have declined from over 500 per 100,000 in 1928 to just over 400 per 100,000 today — lower than at any other period in this century.

Today's young men are taller and heavier than their fathers and grand-fathers. The physical measurements of freshmen recorded at annual enrollments by one major university have gone up more than two inches in height and over 20 pounds in weight since the turn of the century. And certainly no one needs statistical studies to realize that the girls are prettier than ever.

Tribute for this progress, says Edward F. Ragland, vice president of The Tobacco Institute, "should certainly go to the medical profession and the drug industry as well as to our high standards of nutrition." As for the extreme charges that have been made against tobacco ever since the peoples of the world first began enjoying it, he observed: "Those who attack cigarettes by blaming them for all kinds of health problems seem to overlook the fact that these health improvements have also occurred during the same period that the

## DISPATCH

Henderson, North Carolina  
August 31, 1960

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"Tobacco and the Health of a Nation" was also discussed in a matted story which reproduced one of the health charts from the pamphlet. To date, clippings have been seen in over 50 small-town papers.

HERALD-PRESS  
Huntington, Indiana  
August 15, 1960

## Health of Americans Making Great Progress

The health of Americans is making such progress that a new population explosion is taking place at the other end of life's cycle. Back in 1900, the average span of life in the U.S. was about 47 years. Today the average lifetime is nearly 70 years. Americans 65 years or older today number 16,000,000. By 1980, these "senior citizens" will number about 26,000,000.

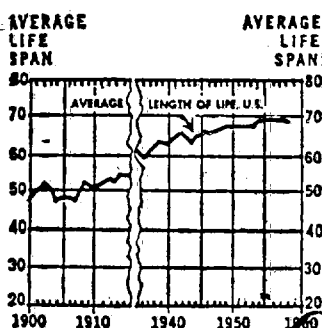
Facts such as these are forcing a closer look at many unfounded and unsubstantiated "health scares" that occasionally hit the headlines.

They have led, for instance, to the issuance of a report called "Tobacco and the Health of a Nation" by The Tobacco Institute, Inc. This leaflet cites facts and figures from U.S. Government and other authoritative reports to show the great advances in health made since the turn of the century.

Death rates from all respiratory diseases have plummeted in the past 60 years to about one seventh of the level in 1900. The height and weight of young people has increased. The death rate from heart ailments has declined, when the age of the population is taken into account.

Reprinted from the leaflet, the following chart shows the trend in the longer life of citizens of the U.S.

ESTIMATED AVERAGE  
LENGTH OF LIFE  
IN YEARS



Source: U.S. Vital Statistics

"These facts and figures show the tremendous advances made in the health of our people," said Edward F. Ragland, vice-president of The Tobacco Institute, Inc. "Tribute should certainly go to the medical profession and the drug industry, as well as to our high standards of nutrition, for helping to give us a longer, healthier life."

"Those who attack cigarettes by blaming them for all kinds of health problems seem to overlook the fact that these health improvements also have occurred during the same period that the cigarette was constantly gaining widespread favor as the most popular form of tobacco use."

Other points covered in the leaflet include these:

1) In 1900 death rates from major lung ailments were 700 per cent higher than today, lung cancer included.

2) Death rates for major heart diseases, when age-adjusted to allow for more people living into older age brackets, now are lower than at any other period since 1900.

3) The average height and weight of young men has shown a steady increase since 1900. Physical measurements of freshmen at one major university have gone up more than two inches in height and more than 20 pounds in weight since the turn of the century.

Copies of this pamphlet, which are obtainable free from The Tobacco Institute, Inc., 910 Seventeenth Street, N. W., Washington 6, D.C., also reveal how hundreds of doctors and scientists, here and abroad, continue to seek more knowledge about lung cancer, known to be a complex disease that cannot now be explained by any simple cause and effect answer. This work is supported by millions of dollars from public and private agencies.

An extensive program in this area is supported by the Tobacco Industry Research Committee which by 1960 has provided \$3,700,000 for independent scientific research into such problems as cancer and heart disease.

Grants are made to research scientists who then independently conduct their work and publish their findings. Scientific studies show that much more research needs to be conducted into many possible factors before definite answers to cancer, including lung cancer, will be forthcoming.

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A paper read by Dr. F. William Sunderman of Philadelphia at a meeting of the American Association of Clinical Pathologists in Chicago (September 27) claimed that he (Sunderman) had found traces of the metallic element nickel in tobacco smoke. He linked this with experiments in which certain nickel compounds were alleged to have caused cancer in rats. A commentary on the Sunderman report was issued by a TIRC spokesman.

THE WASHINGTON POST  
Washington, D.C.  
September 28, 1960

### Role in Lung Cancer Hinted

## What This Country Needs Is Getting Noxious Nickel Out of Good Smokes

By Nate Haseltine  
Staff Reporter

What this country may need more than a good five cent cigar is research to take the nickel out of tobacco smoke.

Such a suggestion was made last night by Dr. F. William Sunderman, of Philadelphia, to a scientific session of the American Society of Clinical Pathologists in Chicago.

Dr. Sunderman said recent studies have shown that heavy smokers inhale nickel in accumulated amounts that have been shown to cause lung cancer in test rats. He reported studies he and his namesake son conducted to measure the amounts of nickel released in cigarette smoke.

From their results, he estimated that an individual smoking two packs of cigarettes

daily would inhale in one year some 5400 micrograms of the metal. Other research, he said, shows that rats develop lung cancer in one year from accumulating doses of nickel totaling 1930 micrograms.

The role of nickel dust, or nickel carbonyl, as a carcinogen (cancer causer) has been recognized for some time now. Its presence in cigarette smoke, however, in sufficient amounts to implicate it with lung cancer had not heretofore been determined.

Trace amounts of nickel have been known to exist in tobacco, as in many other plants. It is a ubiquitous element present in all soils.

As far back as 1937, a high incidence of lung cancer was observed among nickel workers. In 1949, the Ministry of Pen-

sions and National Insurance in Great Britain designated lung cancer in nickel workers as an industrial disease.

Nickel has a great affinity for carbon monoxide, with which it unites to form nickel carbonyl. And carbon monoxide is formed in the burning of tobacco, Dr. Sunderman said.

The Sundermans measured nickel content in the smoke of six different brands of cigarettes, and found some contained twice as much as others. Filter tips, he reported, screened out but little of the suspect ingredient.

"In view of the findings," Dr. Sunderman concluded, "it is our considered opinion that efforts should be made to remove nickel from cigarette smoke. The problem is not insuperable."

Professor of medicine at Jefferson Medical College and his son is a research associate there.

The role of nickel dust as a cancer-causing agent has been recognized for some time, but its presence in cigaret smoke in sufficient amounts to implicate it as a lung cancer factor had not been heretofore determined.

The doctors presented results of their studies before the American Society of Clinical Pathologists and the College of American Pathologists in convention at the Palmer House.

They said a person smoking two packs a day for a period of a year would inhale an amount of nickel totaling 5,400 micrograms.

It took only 1,930 micrograms of nickel carbonyl over a year's period to cause lung cancer in rats, an animal notably resistant to this form of the disease.

THE WASHINGTON POST  
Washington, D.C.  
September 30, 1960

## Cancer Link To Tobacco Is Denied

A spokesman for the Tobacco Industry Research Committee yesterday challenged the findings of a Philadelphia pathologist on the existence of cancer-causing nickel in cigarette smoke.

Robert C. Hockett, the committee's associate scientific director, issued the following statement:

"The most authoritative recent studies that we know of show no trace of nickel found in tobacco smoke. It should be made clear that the Sundermans have not, and do not claim to have, induced lung cancer in their rats with tobacco smoke."

He said there is no evidence for conclusions that nickel in tobacco has anything to do with human lung disease.

He was referring to the scientific report earlier this week by Dr. F. William Sunderman, clinical pathologist, and his son. They said they found almost three times as much nickel in cigarette smoke as is needed to induce lung cancer in test rats.

Hockett, a chemist, said he was unfamiliar with the Sundermans' latest research.

CHICAGO SUN-TIMES  
Chicago, Illinois  
September 28, 1960

## Nickel Seen As Tobacco Cancer Clue

Two Philadelphia research men said Tuesday that a two-pack-a-day cigaret smoker inhales almost three times the amount of nickel that will cause lung cancer in rats.

Nickel gets into tobacco as a result of trace amounts of the metal in the soil.

Dr. F. William Sunderman and his son, Dr. William Jr., told of their studies which enabled them to measure the amount of nickel carbonyl released in cigaret smoke. The elder Sunderman is clinical pro-

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The appearance of an article in the NEW ENGLAND JOURNAL OF MEDICINE in which Dr. Henry Satterlee propounding his theories on arsenic became the basis for a story in the NEW YORK HERALD TRIBUNE. The TRIBUNE the following day ran a TIRC comment.

NEW YORK HERALD TRIBUNE  
New York, New York  
October 7, 1960

## Science . . . Medicine

# Arsenic-Tobacco Link Pointed Out by Doctor

By Stuart H. Loory

Imagine the fear that swept through the British Isles in November, 1900, when 6,000 millhands and coal miners of the Manchester-Salford-Liverpool districts came down with arsenic poisoning from drinking adulterated beer.

Beer was known then—as it still is—as the “backbone” of Great Britain. A New-York Tribune correspondent in London wrote of the arsenic-poisoning scare: “The workingman now empties his pewter pint with more or less fear and trembling. Seventy died in the epidemic.”

At that time, few in the U. S. read the reports with more care than a young hospital intern from New Hampshire named Dr. Henry S. Satterlee. Yesterday Dr. Satterlee, now eighty-six and retired from general practice in Newport, N. H., pointed out in a telephone interview two lessons learned from the 1900 beer-poisoning epidemic, of interest to researchers studying the relationship between cigarette smoking, air pollution and lung cancer in 1960.

### Scientific Lesson

One lesson is scientific and concerns arsenic as a cancer cause. The other is philosophic and concerns the duty of government to look into public health menaces.

Investigators found that arsenic was finding its way into the British brew two ways—through glucose, a cheap sugar used as a substitute of the more expensive malt, and through curing the barley and hops over open malting fires. The coke used in the fires gave off large concentrations of arsenic. Tobacco, today, like the British barley of 1900, is cured over

open fires, absorbing arsenic. The leaves also absorb arsenic from pesticides.

It took a Royal Commission, appointed by King Edward VII and headed by the famous physicist, Lord Kelvin, to come up with the findings. In doing so, the commission developed a method for determining the amount of volatile (gaseous) arsenic given off by the fires.

The method, Dr. Satterlee wrote in the current “New England Journal of Medicine” out yesterday, has since been forgotten by researchers. Dr. Satterlee wrote researchers have been ignoring arsenic as a smoke (tobacco and industrial) pollutant because they have no good way of measuring its presence in its gaseous form. He suggests that researchers carefully at the sixty-year-old British method.

Perhaps more important, but of a philosophic rather than a scientific nature, Dr. Satterlee suggests another lesson to be learned from the beer poisoning epidemic. In his words:

“In 1960 it is sobering and edifying to reflect that a national challenge to British public-health administration was capable of evoking a competent and well-organized inquest that promptly discovered . . . a constructive solution to the problem.”

By contrast, it is depressing to contemplate present-day inertia in the smoking-cancer problem, frustrated in a tangle of controversy and mixed motivation, without prospect of authoritative organization and co-ordination of action that its solution demands.”

Over the phone, Dr. Satterlee accused tobacco product manufacturers, other commercial and

industrial interests and the government, which receives large revenues from cigarette taxes, of refusing to face up to the smoking-cancer relationship.

Dr. Satterlee spends his time in retirement looking into arsenic as a cancer-causing agent in cigarette smoking. He is convinced there is a link. In 1951, he found American cigarettes contained forty times more arsenic than cigarettes made from Oriental tobaccos. He cites studies showing that smokers of American cigarettes are more likely to suffer lung cancer than Oriental cigarette smokers.

Dr. Satterlee's interest in cancer is an outgrowth of his earlier interest in arsenic poisoning, which induces shingles, a disease of the nerves. He has published five papers on arsenic in tobacco. Thirty years ago he began a study of vacuum cleaner dust for arsenic content. He found arsenic in cigarette butts and ashes and then went on to measure arsenic content in various brands of cigarettes.

NEW YORK HERALD TRIBUNE  
New York, New York  
October 8, 1960

# Refutes Arsenic In Tobacco Link To Lung Cancer

Dr. Robert C. Hockett, associate scientific director of the Tobacco Industry Research Committee, took issue yesterday with the reported suggestion that arsenic in tobacco may be linked to lung cancer.

Dr. Henry S. Satterlee, of Newport, N. H., had reviewed the arsenic-lung cancer situation in an article in the current “New England Medical Journal,” one of the leading scientific journals in the country.

In his review, Dr. Satterlee said he is convinced there is a link between the arsenic in cigarettes and the appearance of lung cancer.

Dr. Hockett commented:

“The research into this subject has included: analyses of tobacco smoke, the soil in which the tobacco is grown, tests of smokers and non-smokers to determine the difference in arsenic absorption and inhalation tests with animals.

“All of these have failed to show any evidence that arsenic in tobacco has anything to do with lung cancer.”

He also said that “Dr. Satterlee cites no contrary research and has done no recent research on this that we know of.”

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Dr. Satterlee spends his time in retirement looking into arsenic as a cancer-causing agent in cigarette smoking. He is convinced there is a link. In 1951, he found American cigarettes contained forty times more arsenic than cigarettes made from Oriental tobaccos. He cites studies showing that smokers of American cigarettes are more likely to suffer lung cancer than Oriental cigarette smokers.

Dr. Satterlee's interest in cancer is an outgrowth of his earlier interest in arsenic poisoning, which induces shingles, a disease of the nerves. He has published five papers on arsenic in tobacco. Thirty years ago he began a study of vacuum cleaner dust for arsenic content. He found arsenic in cigarette butts and ashes and then went on to measure arsenic content in various brands of cigarettes.

NEW YORK HERALD TRIBUNE  
New York, New York  
October 8, 1960

# Refutes Arsenic In Tobacco Link To Lung Cancer

Dr. Robert C. Hockett, associate scientific director of the Tobacco Industry Research Committee, took issue yesterday with the reported suggestion that arsenic in tobacco may be linked to lung cancer.

Dr. Henry S. Satterlee, of Newport, N. H., had reviewed the arsenic-lung cancer situation in an article in the current “New England Medical Journal,” one of the leading scientific journals in the country.

In his review, Dr. Satterlee said he is convinced there is a link between the arsenic in cigarettes and the appearance of lung cancer.

Dr. Hockett commented:

“The research into this subject has included: analyses of tobacco smoke, the soil in which the tobacco is grown, tests of smokers and non-smokers to determine the difference in arsenic absorption and inhalation tests with animals.

“All of these have failed to show any evidence that arsenic in tobacco has anything to do with lung cancer.”

He also said that “Dr. Satterlee cites no contrary research and has done no recent research on this that we know of.”

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The activities of the American Cancer Society in high schools continued, with prominent mention given to the use of the anti-tobacco filmstrip.

THE PRESS-JOURNAL  
Englewood, New Jersey  
August 18, 1960

1003543392

DETROIT NEWS  
Detroit, Michigan  
September 1, 1960

LORAIN JOURNAL  
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ATLANTA CONSTITUTION  
Atlanta, Georgia  
September 7, 1960

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The cancer committee of the Lorain County Medical Society and the education committee of the American Cancer Society are coordinating their efforts in trying to reach every high school student this year with the latest information on cigarette smoking and its relation to lung cancer.

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## Investments and Investors

# Record Cigarette Sales Make Shares Attractive

By Donald I. Rogers

*Business and Financial Editor*

When that shrewd commentator Mark Twain remarked that "giving up smoking is easy; I've done it a thousand times," he coined a dictum that at least explain why tobacco stocks have been holding up better than the market as a whole.

Indications of a link between cancer and smoking have driven some hypochondriac and tough-willed types to forswear the weeds forever. A high quotient of backsliders among them, however, and children of the light who prefer to swagger unafraid through life are puffing away at a great rate.

It now looks as if the cigarette makers are headed for a sales record for the fourth consecutive year. Domestic consumption in 1960 probably will hit something like 474,000,000,000 units, for a gain of almost 5 per cent over 1959. Not only are more Americans smoking than ever before, but average consumption is a lot higher, too. Whatever the laboratory validity of the smoking-cancer thesis, the cigarette makers seem to have pulled off at least a public relations victory on the subject.

### Two Good Breaks

First it was an editorial in "The Journal of the American Medical Association" to the effect that there was not enough evidence to damn tobacco as a primary factor in lung cancer. Then a Federal judge in Pittsburgh directed a jury to return a not-guilty verdict in favor of Liggett & Myers, defendant in a suit brought by a smoker who charged that Chesterfields had given him cancer.

More recently there has been a report on a possible link between heart disease and smoking, but it seems to have stirred up relatively little public reaction, and the tobacco industry interprets this as a sign that the health issue has been nailed to the barn door.

If weightier documentation on the causality between smoking and cancer materializes, then all bets are likely to be off, but if the status remains quo, consumption is going to keep right on rising at a faster rate than the population as a whole.

It will do so because the fifteen - to - twenty - four age bracket, the period in which most smokers take to nicotine, is expanding faster than the population as a whole. Throw in the fact that more and more women take to smoking every year, superimpose on it generally higher per capita consumption, and you have a sales equation that the cigarette makers consider quite rosy.

### Ad Costs Soar

Sales don't mean a thing, of course, unless they get converted into earnings, and this is one of the reasons why the cigarette makers, always out to expand profit margins, are relieved that the cancer scare seems to be abating. Advertising is one of the industry's biggest costs and, partly because of the cancer scare, promotion expenses have shot to a whopping 8 cents a carton or so, double the 1955 average. If the cancer issue is indeed receding, the industry may be able to cut back on advertising expenditures somewhat—it may, that is, if competitive pressure permit.

In their eternal jockeying for market headroom, most of the cigarette makers have come out with a variety of new brand names. Start-up costs on that kind of gambit always run high, and this has put a crimp in some profit margins.

Other producers, however, notably Reynolds and Philip Morris, have managed to broaden their profit ratios and with bigger volume earnings in the industry have gone up anyway. This has made for a number of dividend increases and given added flavor to the traditional concept of the tobaccos as premier "defensive" issues.

©1960, N. Y. Herald Tribune Inc.

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An article, ostensibly a balanced review of the smoking-health controversy, in the August edition of REDBOOK Magazine drew a variety of response from readers, some of whose letters were printed in the September issue.

REDBOOK  
September 1960

#### CIGARETTES

I have just finished reading your article about cigarettes and lung cancer in the June issue ("Cigarettes: Are the Facts Being Filtered?"). Congratulations!

The tobacco companies won't love you for it, but a lot of mothers will. . . . Some people would rather risk human life than lose a little money. I'm glad your magazine is not that kind of publication. Keep up the fight.

MRS. P. B. CORDELL  
Hesperus, Colo.

The article "Cigarettes: Are the Facts Being Filtered?" filters through only those "facts" that support one viewpoint—the position of the anti-tobacco advocates. . . .

Some of the overlooked facts are:

1) The few statistical reports that are repeatedly cited have been seriously questioned, not only for the extreme conclusions sometimes drawn from them, but also as to their validity in showing any relation of significance between smoking and health problems.

2) Numerous experiments, here and abroad, in which laboratory animals were induced to inhale tobacco smoke, frequently for their entire lives, have consistently failed to induce lung cancers attributable to the smoke.

3) Research shows that no substances or combination of substances reported to be in tobacco smoke are present in sufficient quantity to account for the claimed, limited tumor activity even on the skin of animals. Also, none of them have been shown to be cancer-causing to human beings. . . .

4) Literally hundreds of scientific studies show many factors linked to the complex chain that may result in lung cancer. . . . To select reports dealing with only one factor under study distorts the scientific effort to learn about any cancer.

5) . . . Careful scientists have reported time and again that the numerical increase in reported lung cancer deaths is due in large part to the increasing and aging of the population, improved diagnosis, and more complete case finding on the part of doctors.

. . . Many prominent research scientists and doctors do not believe the complex lung cancer problem has been, or will be, solved by the repeated pronouncements of those who campaign against tobacco.

T. V. HARTNETT, Chairman  
Tobacco Industry Research Committee  
New York, N. Y.

*All the defenses of cigarettes offered above were reported in our article.*  
THE EDITORS

As an ex-heavy smoker, I found your article to be the first truly unbiased and factual report in a national publication. Since you have never conducted a concerted campaign against smoking, the article is all the more believable. . . . True, the Tobacco Industry Research Committee has done a remarkable job of directing the attention of people away from the true facts. For this conspicuous achievement they should be either hailed or jailed (my mind is made up on that score). . . .

NORMAN GUETTLER  
Cleveland, Ohio

I think your article is an excellent summary of the present situation in which you highlight the opinions of both sides of the story. There seems to be no doubt that cigarette smoking and cancer are connected. The difficulty is to educate the public.

I think the efforts of scientists to try to find the carcinogenic agents in tobacco are a step in the right direction. If these materials can be eliminated, this would solve the problem very nicely. In the meantime, people should reduce the amount of smoking. . . .

JAMES C. HART, M.D.  
State Department of Health  
Hartford, Conn.

The Tobacco Industry Research Committee deserves better treatment at your hands. They have supported good research, attaching no strings to research money they grant. Some major foundations could learn scientific manners from them, since too often foundations dictate what problems scientists will investigate. T.I.R.C. does not. . . . I have sought T.I.R.C. support in the past and will do so in the future not in spite of but because of the fact that I am an ethical scientist.

CHARLES C. MCARTHUR, Ph.D.  
Harvard University  
Cambridge, Mass.

With controversy and propaganda surrounding the subject of smoking and lung cancer, Walter Goodman's treatment of it is balanced, objective and highly readable. I wish the article could be read by all teen-agers who are faced with the decision of whether to smoke or not, by their parents and by physicians to whom parents and children alike turn for advice. This article could well save the lives of many Americans.

HAROLD S. DIEHL, M.D.  
American Cancer Society, Inc.  
New York, N. Y.

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A syndicated newspaper article by Alice Widener was based on her earlier story which appeared in U.S.A. magazine under the title "Cigarettes An American Success."

SHREVEPORT JOURNAL  
Shreveport, Louisiana  
September 16, 1960

For Your Information—

## Cigarette Diplomacy

By Alice Widener

**NEW YORK**—It is time for the public to scrutinize wild statements made in a nationwide campaign against American cigarettes and to analyze the motives behind this campaign.

Any observant traveler abroad will tell you that American cigarettes are a total and worldwide success. Furthermore, they are an American commodity of constant and recognized value, as good as gold and in one way even better.

Whether right or wrong, healthy or unhealthy, the fact is that American cigarettes are the only U.S. giveaway sure to make a friend. Anywhere abroad, the gift of a pack of American cigarettes elicits from smokers and non-smokers a sincere "thank you" accompanied by a smile or broad grin.

Today, a lot of inaccurate and false propaganda about American cigarettes is being printed and broadcast because they are a kind of money and the American tobacco companies make a lot of it. Also, a great deal of anti-cigarette propaganda is being put out by a few persons working hard for American failure.

**THE CHARGE** "cigarettes cause cancer" is widely publicized. Very few Americans know who originally made it and in what publication it was printed. The fact is that in 1953 the May 23 issue of the radical magazine, *The Nation*, carried a feature article "Smoking and Cancer."

Six months later, the socialist magazine "The New Leader" carried a lead article "Cigarettes Cause Cancer" by the same author a widely known physician. All his arguments were reviewed in the official journal of the California Medical Assn. It states that "no scientific data are offered" to support assertions that cigarettes cause lung cancer or any other kind of cancer. Editorially, the Journal of the American Medical Assn. is in agreement.

In all honest talk about cigarettes and health, it is imperative to concede: (1) The cause of cancer in human beings is at present unknown; (2) Excessive smoking, eating and drinking are physically harmful.

It is true that some doctors and scientists have taken concentrated irritants from tobacco, smeared them on the shaven skins of mice and produced cancer on the mice. It is also true that similar treatment with concentrated irritants from sources other than tobacco has caused skin cancer on mice.

The theory that lung cancer is caused by cigarette-smoking is offered on a purely statistical basis. Yet it is a proven fact that though mass cigarette smoking is largely a Twentieth Century habit and the population has grown enormously in this century, the U.S. death rate from lung ailments is about one-seventh of what it was in 1900. Furthermore, half of reported deaths from cancer in the lung or bronchus (only 1.8 per cent of total deaths) show that the disease originated in another part of the body and spread to lung or bronchus.

**UNTIL ITS REAL** cause and cure are found, there always are all kinds of theories and superstitions about what causes a particular dread disease. Only a few years ago, many reputable doctors and scientists asserted that cigarette-smoking caused tuberculosis. As everybody now knows, this was not so. Though smoking is on the increase, tuberculosis is no longer a major health problem.

No intelligent person will claim that excessive cigarette smoking is physically beneficial. On the other hand, every intelligent person will grant that in this world people are going to indulge in their simple pleasure willy-nilly, some to excess, others in sensible moderation.

Our nation once had prohibition and was nearly wrecked by it. We don't want another prohibition era with cigarette black-marketeers,

bootleggers and smugglers, and with the average decent citizen turned into a lawbreaker.

There is an inordinate amount of irresponsible, prejudiced scare propaganda about cigarette smoking and cancer. Amazingly, this summer, government food inspectors discovered that several tons of live trout from the fresh mountain streams of the Sierra Nevada and other far western mountain ranges were afflicted with cancer. It seems probable that whatever else they do—and who knows exactly what sins they commit or follies they indulge in—mountain trout don't smoke.

**WHAT CAUSES CANCER?** Cranberries, trout, cigarettes, lipstick? Nobody knows. What causes lung cancer? Nobody knows. Let us pray and work to find out, and let us give generous financial support to reputable scientific and charitable societies trying to find out. The tobacco companies certainly are doing their share. They have appointed a Tobacco Industry Research Committee to sponsor more than \$3,700,000 worth of independent research into heart disease and cancer.

Meantime, we would do well to appreciate the real national and international value of American cigarettes. They are an unqualified success and win friends for us everywhere. They are a tremendous morale booster to members of the armed forces. It would seem wise for all Americans to adopt a common sense let's-have-the-facts-first attitude toward sensational health-news stories.

We had better think things over twice and thrice before permitting anti-capitalist propagandists, health faddists, fanatics and temperance-society prohibitionists to destroy our great American tobacco industry. It creates gainful employment, enriches our entire economy and manufactures the U.S. product that is a total and worldwide success—American cigarettes.

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An attempt by a British insurance firm to determine whether non-smokers were better insurance risks than smokers not merely failed in obtaining its objective, but brought to light a singular lack of concern on the part of the public.

SPECTATOR Magazine  
(Insurance, Marketing and Management)  
August, 1960

### **Non-Smokers Better Risks?**

(From London) An attempt by an English insurance company to assess whether non-smokers were a better insurance risk than smokers has been unsuccessful.

A company spokesman reports "We thought there was a possibility that, like teetotallers, non-smokers were a better risk for auto insurance, for instance. But in the two years since we introduced special premiums for non-smokers I don't think we have insured a single non-smoker.

"Of the few people who applied, the majority were either too old or hopeless risks. One applicant, a man of 80, wanted car insurance. It is not worthwhile to continue to advertise the scheme, although we are still prepared to do it for any suitable person."

The company offered non-smokers a 5 per cent reduction on premium for auto insurance and 10 per cent off for accident and sickness. The offer was made to members of the National Society of Non-Smokers, in the hope of gaining statistical proof of the value of not smoking.

1003543396

DAILY NEWS  
Miami, Florida  
September 25, 1960



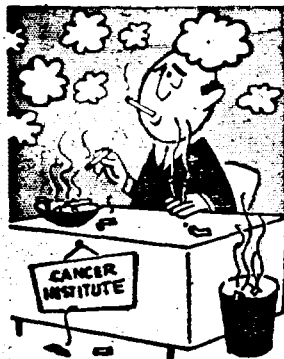
**McLEMORE'S MIAMI**

# A Smoking Man Thinks—And Smokes

By **MORRIS McLEMORE**

**T**HE SMALL man in the ice-cream suit emerged from a cloud of smoke and coughed softly.

"Ah, that's better," said he, "I haven't had time to get my own brand a l l m o r n i n g . . ."



With t h i s declaration Dr. Henry Klaunberg continued h i s march around the Cancer Institute on NW 14th Street, opening the eyes of his guests with stories about the local institution's battle against the dread disease.

★ ★ ★

ONE OF the party asked Dr. Klaunberg the obvious.

"Cancer from smoking?" the director of the institute contemplated the question for a moment. "Well, there may be some relation between the smoking of cigarettes and cancer, yes.

"On the other hand, there is no absolute proof yet, is there? If there is a relationship, does the damage come from the tobacco or the paper? — or what?"

He studied the tip of the filter job he had just bummed off a passerby.

"Until these questions are settled, there is some doubt that cigarettes cause the trouble at all . . . right? So, until the answers are all in, gentlemen, I'm hooked.

"Oh, I'm discriminating, all right," he chuckled. "I never burn a menthol cigarette. Can't stand them. I'll even do without before I'll smoke one of the things . . ."

★ ★ ★

IF THERE is conclusive proof anywhere in the world about the ~~tobacco~~ cancer controversy, Dr. Klaunberg would know it. For he has at his fingertips the wisdom of the

world's finest physicians, surgeons and scientists.

And this unique and almost limitless reservoir of knowledge is available to any doctor who wishes to avail himself of it.

For 20 years, Dr. Klaunberg was executive director of the Biological Science Foundation, a private institution in Washington which, on contract, furnishes the military — with emphasis on the Air Force — a complete, running file of medical articles published over the world.

When he retired from the executive director's post and moved to Florida, three years ago, Dr. Klaunberg retained the position of "chief editor" for the project . . . and, although he assumed the top post at the Cancer Institute last December, this work continues.

★ ★ ★

EACH MONTH, some 269 leading journals concerned with cancer and cytology come to Dr. Klaunberg's home. In addition to these, he receives monthly a complete index of every medical and scientific article published in the staggering total of 2,164 periodicals:

The latter is called the "Index Medicus" and comes to K l a u n b e r g from the



DR. KLAUNBERG  
U.S. Government Printing Office.

The magazine subscriptions are worth \$10,360 annually in cash but infinitely more in the cumulative knowledge they'll furnish our serious researchers in their investigations and experiments.

Dr. Klaunberg is placing the publications in the library at the Institute and local doctors are welcome to use them at will.

The only possible cost might be an occasional cigarette for the doc. So long as it's not one of those menthol jobs.

**1003543397**